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ABSTRACT

The 23rd Annual State of Michigan Personnel Officers' Conference examined the workings of employee relations with employee organizations. The highlights are reported in this manual. A panel of speakers from industry and education provided conference participants with different points of view and a broadened outlook in the difficult areas of grievance handling and discipline. The program also included information on training activities, special employment programs, safety, and driver education, the pay-setting procedure, the overtime advisory board, the staff's Upper Peninsula communications meetings, selective certification, the multiphasic health screening program and a survey of attitudes and opinions on current dress and appearance trends. Staff representatives answered questions from personnel officers dealing with policies and procedures. (NL)

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23rd Annual

State of Michigan

Personnel Officers Conference

September 15, 16, 17, 1969

MICHIGAN DEPARTMENT OF CIVIL SERVICE
TRAINING DIVISION

Highlights

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HIGHLIGHTS

OF THE

23RD ANNUAL PERSONNEL OFFICERS CONFERENCE

State of Michigan
Department of Civil Service
Training Division
Lansing

SEPTEMBER 15, 16, 17, 1969

CABERFAE LODGE • CADILLAC, MICHIGAN

FOREWORD

For the 23rd time State of Michigan personnel officers have assembled for an annual personnel officers' conference. This year's meetings took a careful look into the workings of employee relations with emphasis on relations with employee organizations.

A panel of speakers from industry and education provided conference participants with different points of view and a broadened outlook in the difficult areas of grievance handling and discipline.

The program also included information on training activities; special employment programs; safety and driver education; the pay-setting procedure; the overtime advisory board; the staff's Upper Peninsula communications meetings; selective certification; the multiphasic health screening program and a survey of attitudes and opinions on current dress and appearance trends. Staff representatives answered questions from personnel officers dealing with policies and procedures.

The highlights of this meeting are reported in this manual for the continuing use of conference participants and others who might be interested in its content.

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PART 1

AN ADDRESS BY:

Franklin K. DeWald
State Personnel Director
Michigan Department of Civil Service

Franklin K. DeWald
State Personnel Director
Michigan Department of Civil Service

Employee relations again is the major theme of our conference. This year the emphasis is on relations with the organized employee.

Today for opening comments I will review developments in this area both within the state service and elsewhere. I will also talk a little about another matter of current importance -- the upcoming on-site departmental interviews by Civil Service and Civil Rights with department heads on the problem of equal job opportunity for non-whites.

Since we last met, public employers in Michigan have had another year's progress with industrial type collective bargaining; and the attendant work disruptions and full scale strikes have become commonplace at both the city, county, and school board level.

Michigan again is one of the leading states in strikes of public workers where the law requires bargaining and the use of the exclusive representation principle.

Before we get into the Michigan situation, let's briefly review new public employer-employee laws passed in other states recently.

These laws vary considerably in their scope and intent.

Most recent laws have been passed in New Hampshire, Connecticut, and Oregon.

The New Hampshire Statute providing collective bargaining for all state employees as of August 26 permits decertification of any employee organization found to have "assisted or participated in" a strike. Moreover, all agreements negotiated under the law are required to contain an anti-strike provision.

The act creates a "Commission" consisting of three persons to make unit and representation determinations. The Commission is to consist of the Chairman of the State Personnel Commission, the Commissioner of Labor, and the Secretary of State, or of individuals designated by them.

Employee Organizations are entitled to two-years' unchallenged exclusive representation and dues checkoff, and may negotiate for contracts of up to five years' duration. Employees who join them are protected from penalty or reprisal, as are those who do not choose to join.

Agreements negotiated under the law may include, but are not limited to, provisions establishing lawful procedures and steps for:

"(A) Adjustment of grievances and disputes relating to conditions of employment ...

"(B) For conferring upon and considering recommendations for improvements in personnel policies and changes in classifications and allocations ...

"(C) For arbitration of grievances and disputes relating to conditions of employment, which cannot be adjusted by agreement; the decision of the arbitrator or arbitrators to be final and binding on the parties unless it ... requires an appropriation of additional funds ...

"(D) For mediation or fact-finding to assist in the negotiation of an agreement in succession to one which is about to or has expired, which provisions shall survive the term of the agreement."

All settlements negotiated under the statute are to be approved "as to form and legality" by the state's attorney general prior to their execution. The agreements are to be legally binding on the state and the employee organization.

Connecticut -- Noteworthy among Connecticut's amendments to its bargaining law for teachers are provisions requiring both an "Administrators' Unit" and a "Teachers' Unit" in every school system, and stipulating that the legislative bodies of towns or regional school districts must authorize funds to implement negotiated settlements unless they have rejected them within 30 days of their conclusion.

In order to avoid the ill-will resulting from past failures of the legislative body of a town or regional school district to appropriate funds required to implement a negotiated agreement, the Connecticut Law now provides:

> The Board of Education of any town school district shall file a signed copy of any ... contract with the town clerk. The terms of such contract shall be binding on the legislative body of the town or regional school district, unless such body rejects such contract at a regular or special meeting called for such purpose within thirty days of the signing of the contract ... The body charged with making annual appropriations in any school district shall appropriate to the Board of Education whatever funds are required to implement the terms of any contract not rejected pursuant to this section.

Other amendments to the Connecticut Law authorize court injunctions to enforce its anti-strike provisions, require the Governor to name an arbitration panel of from 10 to 25 persons, from which arbitrators for bargaining disputes are to be chosen, and guarantee the right of employees to organize "free from interference, restraint, coercion or discriminatory practices".

Oregon -- The most significant of the amendments to the Oregon bargaining statute for teachers provides that unions may represent school employees. Formerly teachers could be represented only "individually" or by a "committee". Despite the revision, union negotiators must be certificated employees of the school district whose teachers they represent.

Vermont -- Another state with recent legislation is Vermont, where the law recognizes the right of employees to bargain but only on limited matters. It prohibits bargaining -- " .... on matters which are prescribed or controlled by statute".

South Dakota -- In South Dakota a law has been passed which guarantees the right to join, or refrain from joining, employee organizations. The law also prohibits strikes and makes it a misdemeanor for employees or organizations to incite or urge a strike.

Nebraska's new law guarantees the right of employees to join or refrain from joining an employee organization, to bargain, but places jurisdiction over such bargaining in Nebraska's Court of Industrial Relations, which has the authority to issue temporary orders -- " .... necessary to preserve and protect the status of the parties, property, and public interest".

Generally all these laws prohibit strikes and establish penalties for striking.

Michigan -- In Michigan, as you know, the public employee relations law has been amended as it relates to bargaining by police and firemen.

Beginning October 1, deadlocked contract disputes between Michigan police and firemen and their city, county, village or township employers may be settled by compulsory and binding arbitration, under Provisions of Public Act 312 signed by Governor William G. Milliken August 14. The measure permits either the employees or their public employer independently to initiate binding arbitration procedures with the state's Employment Relations Commission. The Employment Relations Commission is the new name for the State Labor Mediation Board.

The law passed the Legislature after a strong push by the Michigan AFL-CIO in conjunction with the Michigan Association of Firefighters. Although uncertain as to its effectiveness, they backed the bill as an alternative to the amendment of the entire Public Employee Relations Act to provide for strike penalties and authorizing courts to issue injunctions in case of strikes.

Under the law, the compulsory arbitration proceeding may be initiated by either party when the dispute has not been settled after 30 days of submission to mediation and fact-finding. Within 10 days after the call for arbitration, each of the parties is required to select a delegate to an arbitration panel. These two delegates must, in turn,

select a third arbitrator to act as panel chairman, or failing agreement, request the Commission to do so.

The panel's findings of fact and majority ruling must be issued within 60 days from its formation, after hearings have been held. The panel must consider the following factors:

"(A) Lawful authority of the employer.

"(B) Stipulations of the parties.

"(C) The interests and welfare of the public and the financial ability of the unit of government to meet those costs.

"(D) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with wages, hours and conditions of employment of other employees performing similar services and with other employees generally.

(i) in public employment in comparable communities.

(ii) in private employment in comparable communities.

"(E) The average consumer prices for goods and services, commonly known as the cost of living.

"(F) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

"(G) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

"(H) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment."

The panel's majority decision is to be final and binding, and may be enforced at the request of either party or of the arbitration panel in a circuit court. But the panel's decision also may be reviewed by the circuit court of the county where the dispute arose if the panel lacked, or exceeded its jurisdiction, if its order is not supported by "competent, material and substantial" evidence, or if the order was procured by fraud, collusion, or other unlawful means.

Any increase in salaries found to be appropriate by the panel is to begin at the start of the fiscal year beginning after the date of the compensation award, unless a new fiscal year has begun since the beginning of arbitration. In the latter case, the increases may be retroactive to the beginning of the new fiscal year.

An employee organization or employer which disobeys or encourages resistance to an order of the Circuit Court enforcing an arbitration decision will be subject, under the statute, to a fine of not more than $250 a day for each day of resistance. However, no person can be sentenced to a jail term.

The Michigan Law is seen as a 33-month experiment to determine whether outbreaks of "Blue Flu" and "Red Rash" can be diminished by affording an alternative procedure to the right to strike to resolve disputes.

Currently the law in Michigan has been interpreted by the courts to indicate they have no authority to issue injunctive orders against unions or strikes unless it is shown that "irreparable damage" will result in the absence of such an order. The courts have treated these requests from a public employer much in the same way as from a private employer. In practice they are not now issued in public employee strikes although the Circuit Judge has become a labor umpire in many cases, attempting to settle a strike and to get the union to maintain indispensable services with a skeleton crew while the rest of the membership strikes, but negotiations continue. This occurred, for instance, in both the City of Flint and Grand Rapids general strikes. The theory here is that if these indispensable services are not maintained, such an order will issue.

If the law were amended as proposed during the last session, such orders could issue almost automatically where there was a strike in an essential service, and it is this change in the Public Employee Relations Act which unions, of course, violently oppose.

These are some of the reasons why the latest change in our Public Employment Relations Act was pushed by the unions successfully in the last session.

STATE CIVIL SERVICE DEVELOPMENTS

When we met last September, the State had experienced its first full-fledged strike. I indicated to you it was the position of the Civil Service Commission that the principle of giving employees an effective voice in determining conditions of employment can be achieved at the state level without the degree of disruption and chaos witnessed at the local level of government in recent years.

I also said that some of you should fully expect to have to cope with work stoppages of varying intensity and effectiveness during the subsequent year.

One such work stoppage did occur the following month at Lapeer, but the fact is that while many Michigan cities and a number of her school districts using industrial collective bargaining techniques have experienced serious strikes not only in necessary but in some cases indispensable services, state employment to date has not had anywhere near a porportionate number of disruptions of service to the public. It is the Commission's intention to foster a policy which will continue this record.

The sequence of events since last September has been genuine efforts on the part of personnel officers, employee organization representatives, and Civil Service staff to take positive steps to improve our employee relations machinery. At the same time the Commission has reasserted and reinforced its position against the use of collective withholding of services as a method of resolving differences with management.

Withdrawal of dues deduction privileges for the two MSEU Locals involved in the strikes at Lincoln Park and Lapeer is now in effect. Efforts by the union to overturn the order in the State Court of Appeals were opposed by us and have been denied.

As long as state employees have the unique legal protections against employer exploitation offered by Civil Service under the Michigan Constitution not available to many other public employees, and as long as we keep working to make them effective, we can expect to continue to provide Michigan citizens with the benefits of relative labor peace in a period of general public employee militancy, upheaval and unrest.

Without question the development of greatest significance during the past year has been the willingness of the Commission to experiment with the pay setting procedure to more directly involve personnel officers and employee representatives in advance of formulation of a pay plan. You will notice I said the pay setting procedure and did not say our new pay setting procedure, because the procedure is not the product of the Commission or the Civil Service staff thinking. It is a compromise representing the thinking of personnel officer representatives of the departments and of employee groups.

THE NEW PAY-SETTING PLAN

After the Commission offered its own version of a new pay-setting plan a year ago and had it criticized by personnel officers and others, a Tripartite Committee was appointed to come up with a plan. Their plan, in a modified form, was adopted by the Civil Service Commission on June 18.

It is a compromise plan, and as is the case with most compromise, not all parties are completely satisfied with the final product. We have already heard comments to the effect that appointing authorities have been by-passed in the matter of their employees serving on Occupational

Teams. Some are reluctant to allow time off the job and pay expenses of such employees. Others are concerned about who is representing management on the Steering Committee and the Occupational Teams since nominees came from the Personnel Officers Association.

These are legitimate concerns many of which were expressed in Tripartite Sub-Committee sessions. They will be answered, perhaps not completely the first time around, but certainly in subsequent years. A major task assigned the Steering Committee is to evaluate the plan and make recommendations to the Commission for any changes. There is no doubt in my mind that the Committee will not be the least bit hesitant about telling us what is wrong with the plan.

At this point, I ask that you as personnel officers and advisors to your respective department heads, withhold final judgment pending the outcome of the first year's operation of the plan. All of us cannot only profit from the mistakes, but can share in the successes of the effort. I can assure you that the Commission wants a plan of this type to work and I believe that you share this feeling. All parties need to keep their thinking flexible so that a workable plan can be established, one that improves with experience.

Few things are more important to an employee than his pay check and many employees have ideas about appropriate rates of pay. Management, too, has a great stake in pay rates. Any adjustment of them makes waves in all directions. We not only would like to open new channels of communication in this area, we urgently need to do so.

The fact that we are willing to innovate and experiment is in itself significant. Pioneering has its pitfalls as well as its exciting potential. If there is one thing all of the principals involved agree upon, it is the fact that after we have had some practical experience in using the Steering Committee and Occupational Team approach, it undoubtedly will be amended and improved based on practical experience.

Perhaps one of the most significant differences in this experimental procedure compared to traditional collective bargaining, is that it will require that all of the parties - employer and employee alike - assume a responsible and reasonable stance at the outset of discussion, rather than the initial extremist positions common to bargaining.

Both the departmental representatives and the employee representatives at the outset should be willing to draw on wage data facts mutually agreed as vital, sought and supplied by our Wage and Salary Section, and brought out in the course of more than twenty hearings throughout the state. With both parties working from the same data, it is hoped the possibility of agreement or at least of reasoned majority agreement can be achieved.

I am sure, too, that any of you involved on the Occupational Teams as well as the Steering Committee will awaken when the first year's

discussions are complete to a better realization of the tremendous scope of the responsibility and the job done by our Wage and Salary Section in past years.

If little else is accomplished, the active participants are going to realize the immensity of the total problem which heretofore has been unraveled in a different manner by our staff personnel with their recommended plan, then discussed by the Commission at hearings with those affected.

NON-WHITE ON-SITE INTERVIEWS

The recent letters which Governor Milliken sent to heads of principal departments announcing that the Departments of Civil Service and Civil Rights were planning on-site interviews with department directors concerning equal job opportunity for non-whites have resulted in a number of questions.

First, it is clear that the chief executive does feel that many departments are not placing sufficient emphasis on recruiting and promoting non-whites.

Secondly, the departmental reviews have the full endorsement of the Civil Service Commission. For clarification our department had conferred with staff representatives of the Governor's office at his request and with Civil Rights prior to issuance of the announcement. While we were in agreement on the need for action, it should be stated for the record neither the actual text of the Governor's letters nor the content of the news release he issued announcing the program was reviewed or discussed with us at Civil Service prior to issuance.

It is the position of the Civil Service Commission that these reviews will be both timely and useful, and we intend to be fully involved on the reviewing teams. We shall seek to insure that any findings, conclusions, or recommendations to issue as a result will be a joint report and not unilaterally issued. It should also be clear the Commission wants to take whatever corrective steps are necessary to assure equality of opportunity in the state classified service.

Quite frankly, the experience and involvement of our own small department in improving the ethnic mix of its staff, we think, will make a positive practical contribution toward suggesting ways which will be helpful to some departments.

Our regular report published annually since 1964 which monitors non-white employment by department, showed that as late as 1967 non-whites on the Department of Civil Service staff totalled only 2.4% of our work force of 212 employees.

We have tripled that percentage since that time to over 7 percent. At the same time the average grade level of our non-white personnel has substantially increased.

This was not an accident. The affirmative equal opportunity study which we conducted in conjunction with the Civil Rights Commission during 1967 and '68 which traced non-whites from the time of application through the examination and appointment process was quite useful in telling us of some of the more effective tools we could use in meeting this problem.

In the study we not only asked applicants to indicate whether they were white or non-white, but to designate where they first learned of the examination. We thus discovered that the largest single recruitment source was not from our examination announcements themselves, or from the state employment security offices, or from some rather extensive classified newspaper advertising -- but rather it was from a state employee <u>whom the applicant knew</u>.

Thirty-two percent of whites applying stated this and 27 percent of the non-whites stated this as their initial source of job information. The study, incidentally, covered 80,000 applicants for over 800 examinations.

The only significant difference, incidentally, in effectiveness of recruitment sources between non-whites and whites was that almost twice as many non-whites taking examinations were referred by the state employment security offices as whites, and referrals to state civil service examinations from schools were one and a half times greater, percentage-wise, for whites than for non-whites.

The point I am trying to make here is that <u>the employees you already have can be your most effective tool in recruiting all workers</u>, including minority group workers.

To successfully exploit this source you should consider development of your own internal communications with such employees already on the payroll. Generally minority employees already working for you will be the clearest indicator to potential applicants from the minority community that they, too, have a chance to succeed.

Quite obviously those departments with few or no minority workers are the least likely to succeed in recruiting other minorities, despite expensive overt efforts to recruit them.

There are four other areas in which special efforts can help with your image problem:

1. Communications and relations with organized minority groups in the community. Most of us, I am sure, are active in this area with an employee or employees assigned the task of liaison with such groups to maintain avenues of communication for recruitment and placement purposes.

2. Promotion of success stories of minority employees in the public service. Either by news release or suggestion to the media any story which points out personal job achievement of a minority employee which mentions the department where he is employed is a way to reinforce your image as an equal opportunity employer without direct reference to this fact.

3. Scholarship and training activities. A conscious effort should be made to include minority group employees in any scholarship program or training programs you may have.

4. You should seriously consider encouraging your white as well as non-white employees to take an active part in the salient community institutions that affect the lives of minority group members such as school boards, human relations commissions, housing authority boards, etc. This is a subtle, but important area which is indeed underdeveloped. When minority group individuals see that your agency or your branch of government has activists attempting to help meet their particular problems on a volunteer basis and on their own time, they are bound to get the "message". As an employer you cannot require such activity, but I don't need to chart the many ways in which you can encourage this.

Put another way, I am convinced that resolution of the problems of employing the disadvantaged can only be accomplished through a willingness to change and "...a devotion to the public interest in all groups, both public and private, concerned with the problems of joblessness and underemployment." As public managers we cannot rely on past precedent. We must improvise to cope with the difficult problems in this area which appear to defy solution.

Willingness to change, to seek out positive answers and to be innovative has been the common denominator in all our planning and programming to date, and should certainly form the cornerstone for future efforts.

Interviews with department heads requested by the Governor have already started.

Again, I want to emphasize we hope to offer suggestions which will have practical application in extending equal employment opportunity. I am sure we will succeed in the project with your help, your ideas, and genuine concern.

PART 2

AN ADDRESS BY:

Ruth M. Robertson
Commissioner
Michigan Department of Civil Service

Ruth M. Robertson
Commissioner
Michigan Department of Civil Service

A noted psychologist once said: "It is what we think we know already, that often prevents us from learning."

I can tell by the interested participation in this conference by most of you that although you are trained and experienced in personnel work, you honestly don't feel you "know it all" and are interested and able to learn more.

Certainly when I was appointed to the Civil Service Commission earlier this year I didn't have the problem of "knowing it all", so my chance to listen in and to talk with you individually yesterday and today has been quite worthwhile and has enabled me to learn a lot.

Quite frankly, when first told I was being considered by Governor Milliken for one of the most important appointments in state government -- (and I learned it was the Civil Service Commission) -- my first reaction was, What on earth does the Commission do? My knowledge of personnel matters was limited and my exposure to the operation of the State Civil Service Commission was practically nil.

I was asked to bring to the Commission a balanced citizen's view of the state personnel system and to exercise that view in making personnel policy decisions and in reaching decisions on appeals.

I am in attendance at this conference -- fully realizing that a little learning is a dangerous thing -- but none at all can be fatal.

And so it is I see my role on the Commission, not as a personnel expert, but as a citizen commissioner interested in doing an unbiased and I hope conscientious job of making decisions for the citizens of Michigan in the operation of their state personnel department.

I sought the counsel of a friend, who has quite a sense of humor, after being appointed to the Commission and asked him what qualities he felt were needed to successfully perform in the job.

He listed them as intelligence, diplomacy, and executive ability. Needless to say, this left me aghast.

"A Commissioner needs to be a smart fellow." he said, "and my definition of a smart fellow is one who says what he thinks -- provided, of course, one is sure his audience will agree."

"A Commissioner needs the qualities of a diplomat," he said, "because he must have a talent for straddling an issue when he isn't dodging one."

"A Commissioner must possess the qualities of a good executive," he said, and he then proceeded to describe a good executive as a person who can, without the facts, make quick decisions which occasionally are right.

A fictitious story, of course, but quite seriously my limited exposure to this assignment has convinced me that the successful Commission member needs a generous reservoir of all of some rather heroic qualities -- of intelligence, diplomacy, honesty, executive ability, as well as the cheerful confidence that marks the true optimist. Otherwise it would be impossible to face some of the decisions required in which no matter what you do -- someone will be convinced you are wrong.

You know, a Civil Service Commissioner, between some departmental personnel officers and some employee organizations, frequently feels a lot like a fish caught between two cats.

Since I have no intention of attempting to lecture you on personnel matters, perhaps you would be interested in some of my other initial reactions to civil service in state government and its relationships with the principal departments.

Most important, I am genuinely impressed by the general caliber of the Civil Service Department's staff. They have diligently worked to provide me with answers where answers were sought and appear quite dedicated to their work.

Equally impressive to me has been the degree of concern of the other members of the Commission for the decisions that they face. Individually they have demonstrated a sincere concern with being fair, with exercising compassion yet with being representative not of the departments nor of the employee alone, but of the people of the state to whom they owe their first allegiance in making personnel decisions.

Very interesting to me has been the fact that not one decision made since I have been on the Commission, that I can recollect, has been made on the basis of political affiliation. Where there are differences, they do not seem to fall on political party lines although the Commission, by constitutional provision, is divided equally along party lines. It is quite interesting that although we belong to and represent different political parties, we are not necessarily divided along partisan lines.

I will reserve any other observations for a later date, except to honestly state one concern that does bother me and which I hope we will be able to remedy. I speak of the length of time it takes all of us, employing department and the Department of Civil Service, to handle appeals. It strikes me that even understanding the complications, the detail, the due consideration required to render a just decision, we should be able to find ways to speed up this process. I hope to give this matter more attention.

One final concern I have is in the matter of equal opportunity in state employment. I want to say that any of you personnel officers who think that you have already done everything you could in this area are most certainly going to have great difficulty in learning to make the effort necessary to accomplish necessary objectives. Again, because it is what you <u>think</u> you know already that often prevents you from learning.

I would like to see accomplishment through constructive changes which are instituted by the departments on their own initiative and not under the prodding of the Civil Rights Commission or the Civil Service Commission.

Our own Department of Civil Service, at least until a few years ago, was apparently quite derelict in achieving in this area of vital importance. Recently we have been able to make substantial progress in a short period of time. We expect to make more, and I would urge you all to give your own operation more thought and self-examination.

In conclusion, of course, is the unique experiment in which we are all engaged through the Tripartite Committee plan on a revised pay setting procedure. I think that to expect to create a totally new pay setting procedure for a work force of 45,000 people overnight is like the optimist who honestly is convinced he will never do anything stupid again.

I voted to try because I am not afraid of change and I was willing to see how the process worked and to reserve judgment until we had at least a full year's experience.

I am not convinced we should make changes for the sake of change. From what I can see, the former system had a good many years, including this year, generally provided state employees with substantial equity in relation to other employers.

Since the change was the concensus view of personnel officers, employee organizations, and our staff. I am willing to give it a try and to become convinced it really <u>is</u> a better way. I can tell you quite honestly that if any of you are unhappy with the plan as individuals, that each of the Commissioners also had his doubts.

I expect you are going to have to "give" a little in your demands on the system and in your patience with it to achieve any degree of success.

PART 3

INFORMATION EXCHANGE o

Questions for the Information Exchange were submitted prior to the conference by state personnel officers for answers by Michigan Department of Civil Service staff members at the conference.

INFORMATION EXCHANGE

Question: Are there any guiding principles regarding the degree of latitude and responsibility given to 1st line supervisory personnel for (1) making personnel policies for their section (2) determining whether an existing policy should or should not be applied?

Answer: The first line supervisor has no discretionary powers. He must carry out the policy unless it is a discretionary policy. Supervisors work within the framework of organization policy and have some latitude in terms of the way they adjust the policy to fit their situation.

Civil Service cannot make policy on day-to-day operations. Each department establishes its own policies and guidelines to meet its special needs. To maintain uniformity of operation policy, is generally made at the upper levels of the organization and passed down to operating units for implementation.

Question: The amount of time involved in getting responses on reallocation requests is of great concern to me. This creates much feeling among involved employees, and spills over into co-worker relationships and general decreased productivity and interest in doing a good job.

Answer: We are concerned about this problem every day of the year and every year. We are asking for more auditors.

At present we have sixteen auditors - four are unit heads, two are writing specifications. We have a number of young people on our staff.

There are some things you can do to help our auditors. For example, it would speed up our work if you would have the necessary organization charts and other information ready before the auditor gets there.

Civil Service has always been concerned with the classification lag. To help us find solutions to this problem we are bringing in a man from Washington, D.C., who has recently retired from his job at the head of the United States Civil Service Classification Unit. He will make a study of our operation to see if anything can be done to speed it up.

Question: Couldn't the Department of Civil Service use the funds they turn back to the general fund to hire more people to do audits?

Answer: No set amount is turned back to the general fund and we never know whether or not we will have any left over at the end of the year. Therefore, we cannot plan on this money to increase our staff. Staffing takes time.

Question: I would like to know if other agencies have a Human Relations Committee and if so, the design and scope of same.

Answer: (This question was asked of the group. There were no replies.)

Question: Could a combined accident report be developed which would eliminate the completion of two, possibly three, reports?

Answer: A suggestion was turned in to the suggestion award system. Guidelines are now being drafted. Copies will be sent to you for your approval and comments.

Question: Please discuss the effectiveness of the Examination Review Board.

Answer: There have been about 70 cases during the first fourteen months the board has been in operation. There have been cases on rejection of application, promotional potentials, failing score, etc. There are more and more cases being referred to the Examination Review Board.

Review Board Members take their job seriously. We try to correct injustices.

One of the most useful things about this board is that we find things that should be called to the attention of our own Technical Division.

Those applicants who appear have a chance to air their views. We have been able to clear up many questions.

We would appreciate your reaction to the Examination Review Board and its decisions.

Question; Many employees in out-state locations such as the Upper Peninsula would like to review their examination results personally. Is there any possibility in connection with your communication meetings or otherwise that staff could

bring exam papers to some central point (Escanaba, Marquette, Newberry, St. Ignace, Traverse City, for example) for review by employees?

Answer: We have done some of this through the Detroit office but it presents a real problem in getting the papers out and back. There are a great number of examinations given each year.

We don't see a way to do much of this. The examinations are available to employees who wish to review the results of their examination in Lansing.

Question: Is it required or do you advise personnel officers to obtain written waivers from eligibles who say they are willing to waive promotional appointments?

Answer: It is advisable to get waivers in writing. You can ask the person who is waiving to write saying that he is waiving with the understanding that his name will remain on the list. The reason for waiving should be included in the letter so that civil service can decide whether his name should remain on the list.

Waivers should not be made just to reach someone who is lower on the list.

Question: What progress has been made in simplifying the job application form? When will the one-page application be available?

Answer: A lot of effort has been put into developing a shorter, simplified application. A one-page application may never be available because it is not really feasible. We need the education and experience information from the longer form. A too short application could slow things down more than speed them up simply because we'd have to contact applicants for missing information.

We have a shorter application form that depends on computer coordination and programming. We are not yet ready to start using it.

Question: I am somewhat confused on just what the maternity separation rule now says and means. What is the Commission's current position on motherhood?

Answer: A rule change is in order and the Commission has ordered a staff study.

The mechanics of working out a new rule will be a little difficult. The Employee Relations Division and Research Division have met with the employee organizations to see if they could find a common ground to take care of women employees' needs.

We have the recommendations that represent the ideas of all concerned. These will go through a process of rethinking and adjustment.

Question: In the past two or three years there have been quite a few requests for the Commission to waive the political activity rule and permit employees to accept appointments to various boards and other positions. Is the Commission considering a relaxation of the rule so that state employees can be more active in public service roles which are basically non-partisan in nature?

Answer: There have been requests honored for waivers of the political activities rule in borderline cases such as requesting permission to become a deputy sheriff for boating control during the summer months.

There has been a movement across the country to permit more political activity. We don't know whether anything will happen on these or not. The Commission has been watching this change to see if our rule needs to be changed.

The Commission is considering relaxing of the rules to permit more non-partisan political activities, rather than less.

Question: Why not increase longevity pay at the 6 and 10-year steps as a means to retain top-notch employees with skills in demand in industry and elsewhere, thus reducing turnover in these positions?

Answer: We have yet been unable to make a study to see if people do stay longer because of longevity pay. Studies have shown that there is no substantial relationship between wages - benefit packages and turnover if the benefits are not out of line with those of other employers.

Question: What are the prospects for increasing the amount of life insurance coverage that an employee may take into retirement?

Answer: Premium payments collected from retired people have been $60,000 while claims paid have added up to $250,000. This means that they contribute at a one-fifth level of claims.

For this reason it is unlikely that increases will be made. We are studying the possibility of having a gradual reduction in the amount of insurance for retired people rather than having the sudden drop there is at present.

At present the active employees subsidize retired employees.

Question: Why can't the compensatory time policy be amended to permit those departments that need it to give employees compensatory time off during slack seasons when the work load is lighter? Departments which are not affected in the same way could operate under the present policy.

Answer: A solution like the question proposes sounds good but it would be very difficult to administer. Overtime policies cause difficult problems because of the variety of situations found in departments.

Equity is needed. We have struggled with it but may not have reached the best answer.

The Fair Labor Standards Act requires overtime payment in certain areas. Should we treat all employees alike even if it makes some unhappy?

Question: Must the services of the assigned hearing officer be used or can one be selected?

Answer: At the present time you must use the one who is assigned. Departments and organizations could make special arrangements under certain circumstances. However, don't ask for a special arrangement in order to avoid having a certain hearing officer.

Question: Can hearing board decisions be published so that departments can see them?

Answer: Decisions are being published. We are also indexing them and making a library of them.

Question: What conditions of employment are left to departments?

Answer: A listing has not been made although the Department of Mental Health has asked for one. It has not been provided because of the implications involved. If a listing were to be made, it would first have to go through a formal process of fact-finding, grievances, etc.

PART 4

HANDLING GRIEVANCE PROCEDURE PROBLEMS o

QUESTIONS AND ANSWERS o

Employee Relations Panel

John F. Powers
John F. Kitzke
Albert F. Schultz

John F. Powers
Coordinator of Labor Relations
Oldsmobile Division, General Motors Corporation

I welcome the opportunity to participate with you in this conference. It's a good thing for members of business and industry to get together with those in public service to discuss common problems and to share experiences concerning those problems. The matter of grievance handling and the matter of discipline are indeed common problems, and they are -- or certainly should be -- of no less importance to you who work in state agencies or state institutions than they are with us who are in business and industry.

From the outset, I am sure we can agree that no single source exists to which we can go and get all the answers concerning the problems of people or the people problems with which we are confronted in the course of our work. However, it is through conferences such as this, where we are able to share our experiences and discuss the things we have learned, that we are presented with the opportunity to increase our knowledge and skill in these areas.

From its small beginning in 1908, General Motors Corporation has grown into the largest manufacturing concern in the world. It employs more than 750,000 people, nearly 400,000 of which are hourly-rated employees who are represented by unions. Over the years we have had considerable exposure to the problems of handling grievances and maintaining employee discipline. It is my hope that in passing along some of the things we have learned, they will be helpful to you.

Our schedule calls for us to devote our time this morning to the matter of grievance handling, so we will wait until this afternoon to focus any attention on the subject of maintaining employee discipline.

Since 1940, General Motors Corporation and the International Union of United Automobile Workers have negotiated twelve National Agreements. The Agreement under which we are currently operating became effective on January 1, 1968, and will continue in effect until September 14, 1970.

From the beginning of the employee representation relationship, the Grievance Procedure has been recognized as a factor of major importance in the administration of our Agreements. It provides for an orderly way to resolve differences that arise in the day-to-day administration of the Agreement.

The Grievance Procedure Section of our National Agreement has remained virtually unchanged since it was first incorporated into the 1940 Agreement. The procedure itself was, to a large degree, hammered out by the experiences gained during the seven year period between 1933 and 1940

through dealing with employee associations and various Union groups. Much of our Grievance Procedure as it exists today is incorporated from "Statements of Policy" which were issued by General Motors Corporation from 1934 through 1939.

The stability of relationship between General Motors Corporation and the International Union may be said to rest to a very large degree upon the knowledge, sincerity, effort, and skill of the Supervisors whose responsibility it is to make the Grievance Procedure work. I'll have more to say about this in a moment, but first let's briefly review our Grievance Procedure.

The Grievance Procedure

The first step of the Grievance Procedure consists of two parts. The first part involves the Foreman, the employee having the grievance, and the District Committeeman. The second part, in the event the grievance is not settled by the Foreman, is a discussion of the grievance with higher Supervision -- i.e., the General Foreman or Superintendent. Participating in this discussion is the District Committeeman and frequently a second Committeeman, in accordance with our local practice. This second part is sometimes referred to as the step and one-half.

The second step of the Grievance Procedure is the meeting between the Union Shop Committee and Local Management Representatives. At Oldsmobile, the members of the Labor Relations Staff constitute the Local Management Representatives.

The third step of the Grievance Procedure is commonly referred to as the Appeal Committee Step or the Four-Man Appeal Hearing. It is usually attended by the Chairman of the Shop Committee, an International Representative of the Union, the Personnel Director, and another member of higher Management. In our operation, the other member of higher management is the Director of Labor Relations. A Representative of the International Office of the Union in Detroit and a Representative of the Personnel Staff of General Motors Corporation may also attend the Appeal Committee Hearing, but as a rule they do not, unless some unusual situation is involved.

The fourth step in our Grievance Procedure is the Umpire Hearing. Decisions from this step are final and binding on the Union, the employee involved, and the Corporation.

It is important to note that built into our Grievance Procedure, among other things, are provisions which allow for further investigation of grievances at various steps in the Procedure.

At Oldsmobile, Union representation is made up of the following: District Committeemen who represent employees in definitely defined districts; Shop Committeemen who have responsibility for a number of districts in

a definitely defined zone; and a Chairman of the Shop Committee, who has overall responsibility over the Shop Committee. By agreement, representation districts and zones are negotiated by Management and the Union, and employees are elected as representatives for these areas. Currently at Oldsmobile, there are 48 District Committeemen, 10 Shop Committeemen, and the Chairman.

Earlier I mentioned that it is the Supervisors' responsibility to make our Grievance Procedure work. The first, and probably the most important single cog in our Grievance Procedure machinery is the Foreman -- the first line Supervisor. He is a member of Management, and as such, his actions, his words, his deeds, are Management's actions, words, and deeds. He represents Management. He is the Management to his employees. In our situation, the employee he supervises is a member of a Labor Union, and if that employee is unable to secure a satisfactory solution to a problem through direct communication with his Foreman, and asks for representation by a Union Committeeman, the Grievance Procedure has then come into play.

Our present-day supervisor, in addition to meeting production schedules, maintaining efficiency, and meeting his other obligations as the manager of his department, has, as one of his major functions, the handling of Labor Relations problems of his employees. Actually, this field cannot be totally divorced from the other aspects of his job, because good employee relations play a very important part in contributing to higher efficiency and the maintenance of schedules.

The results that any organization achieves with its people depend to a great degree on whether the employees are contented and are a cooperative working force.

No matter how clear Agreement language might be, how good the working conditions are, or how simple the rules and procedures are, it is only natural that there will be some complaints from employees.

Perhaps there is a fine distinction between the meaning of the word complaint and the meaning of the word grievance, but from this point on, I would beg your indulgence and ask that you go along with the suggestion that for our purposes here, we use the terms complaint and grievance somewhat synonymously.

In the broad sense a grievance is none other than a state of mind in which the employee feels that a condition exists which is not what it should be. There are three basic types of grievances which may be brought forward and processed in our Grievance Procedure.

1. Individual Grievance

   An individual grievance is one which involves the employee and his job or the conditions immediately surrounding it. This type of

grievance might involve such things as a protest of disciplinary action which was taken or a complaint about working too hard. Perhaps the employee feels he should have been transferred, promoted, or should have been scheduled to work overtime.

2. Group Grievance

This type of grievance involves more than one employee who works under the same Foreman, and it concerns a complaint which is common to them. Our practice allows for a group of employees having a common complaint to designate one of the group to take up the grievance with the Foreman. A group grievance may be voiced by a spokesman, or it may be presented in writing as a single grievance signed by the spokesman, by several employees of the group, or by all of them. Examples of this type of grievance would be complaints about heating, ventilation, shift times, the lunch hour, or job assignments.

3. Policy Grievance

A policy grievance is exactly what the name implies. It is a complaint registered by the Union against a policy or procedure of the Company. It may deal with contractual interpretations or alleged violations of the Agreement. Policy grievances are usually broad in scope, and their settlements may directly affect a number of people. I think this is easy to understand when we realize that policy grievances primarily involve questions regarding the interpretations and applications of such things as local wage agreements, seniority agreements, and the proper application of the National Agreement.

Earlier, I commented on the importance of our Grievance Procedure. I would be quick to point out, however, that the mere existence of a Grievance Procedure, no matter how well it is written, does not in any way contribute to its value per se. It is the use of the procedure which makes it worthwhile, or the abuse of it which makes it worthless. If the procedure is used simply as a mechanism for the orderly processing of grievances up the ladder to arbitration, with little or no effort being made toward solving the problems involved, it serves no real purpose other than to allow sores to fester and molehills to grow into mountains. On the other hand, if a Grievance Procedure is in fact used as a means to solve problems, its value becomes readily apparent.

In our Labor Relations training courses for supervisors, we emphasize two general responsibilities with which they as supervisors are charged, in the handling of grievances:

1. Handle employee complaints promptly and fairly, according to the Agreement, and within the specified Grievance Procedure.

2. Settle employee grievances on a sound basis at the earliest possible level, or, if settlement by the Foreman is not possible, provide the concerned parties with all of the facts of the case.

The question of whether or not the application of these two principles bears any real fruit can easily be answered by the record. In 1947, 44.5% of all grievances settled in General Motors Corporation under the GM-UAW Agreement were settled at the first step. This figure has increased over the years to the point where in 1967, 74.0% of the grievances were settled at the first step. In fact, our records show the disposition of 105,973 grievances in 1967 as follows:

74.00% were settled at Step 1
21.00% were settled at Step 2
5.00% were settled at Step 3
.03% were settled at Step 4

An interesting side light to these figures is the fact that over 2,600 of these 105,973 grievances originated at Oldsmobile, but none of them went to arbitration. In fact, during the past 15 years, Oldsmobile has had only 3 cases heard by the Umpire -- the most recent of which occurred in January of 1963. I might add, that's 3 cases out of approximately 24,000!

In addition to charging our supervision with the two general responsibilities I mentioned a moment ago, we also in our training, stress ten general principles, or guides, to which we expect them to operate when handling grievances. I would like to discuss them very briefly.

1. Take every employee complaint seriously.

   A supervisor should never underestimate the seriousness of whatever complaint his employees have. While it may seem trivial or even complete nonsense to the supervisor, it may be the most important thing in the world, at the moment, to his employee.

2. Try to resolve complaints on a sound basis before they develop into serious issues.

   A supervisor should give any complaint his full attention and attempt to get to the source of the trouble, whether real or imagined. It is signaficant that the very first part of the First Step of our negotiated Grievance Procedure permits the employee to take up his grievance directly with his Foreman. The Foreman is charged with the responsibility of adjusting it, if possible at that point, before any Union Representative is called. In handling grievances at this level, the supervisor is just asking for trouble if he "brushes off" the employee, stalls the employee, or makes loose promises. Experience has proven that as a case is processed through the procedure, the difficulties in making a settlement are multiplied, and the original complaint frequently takes on a completely new face.

3. Call the Committeeman promptly when properly requested.

Once the employee has specified his grievance and requested his Committeeman, he is entitled to representation without undue delay or further discussion of the grievance with the Foreman. When this happens, the supervisor should start the procedure for calling the Committeeman at once. He should not attempt to talk the employee out of getting his Committeeman, nor should he discuss the employee's complaint further, until the Committeeman arrives.

4. If a grievance is written, make certain that the grievance form is completely filled out.

Names, times, and dates often become of critical importance, especially if the case should be heard by the Umpire some months later. A Supervisor should make certain that this information is on the grievance form in the spaces provided. It is also recommended that the Foreman record on the grievance the date and time he accepts and answers the grievance.

5. Deal honestly, calmly, and impersonally with the Committeeman.

The best relationship a supervisor can develop with a Union Representative is one of mutual respect. This is developed from a forthright approach to problems arising between them, and a full understanding on the part of the supervisor of his rights, as well as the rights and responsibilities of the Committeeman.

6. Insist upon observance of established procedures for handling grievances.

The framework of these procedures is incorporated in the National Agreement. However, on the Division or plant level, the basic rules have been implemented with negotiated or accepted local practices and procedures. The supervisor should familiarize himself with these procedures, follow them himself, and insist that Committeemen, at all levels of the Grievance Procedure, also abide by them.

7. While handling a grievance with a Committeeman, stick to the issues of the grievance.

The Foreman should be willing to discuss fully all aspects of any problem which pertains to the subject of the grievance. He should not, however, be led into discussions of matters having no bearing on the case. Similarly, for obvious reasons, he should not lose his temper, get involved in personalities or name-calling, and particularly should not indulge in profanity or physical contact.

8. Decide on the basis of fact.

No supervisor should answer a grievance until he is sure he has the necessary factual information to give an intelligent disposition. If he does not have the facts he needs, he should defer his answer until he determines what they are -- keeping in mind his responsibility to handle grievances promptly, that is, without undue delay. On any issue with which a supervisor may not be familiar, he should not hesitate to seek advice and counsel from higher supervision and/or the Labor Relations Staff.

9. Phrase grievance answers carefully.

The supervisor should remember that the answer he places on a grievance, if accepted by the Union, is a binding, enforceable settlement of that grievance. For this reason, it is of the utmost importance that he recognizes the difference between single, isolated dispositions, which have no lasting effects, and grievance answers which commit Management to some specific continuing obligation or course of action. The isolated type of answer, of course, has less overall significance. For example, if a supervisor should agree to reduce the disciplinary layoff he has given an employee, whether right or wrong, his disposition can only affect that case. However, a grievance settlement that says what the production line speed will be, or states that a certain group of employees will receive all of the overtime on a particular job, could seriously affect Management's right to operate efficiently at some future date. Every settlement of this nature should provide some means for termination and should contain language which clearly qualifies the settlement, such as, "under the present method", or "until operating conditions change", or "provided the employee is capable of doing the job".

10. Record all of the facts if the grievance goes beyond your level in the procedure.

Usually the people who know the most about any grievance are the ones who handled it at the First Step. The Foreman is the first person to handle the problem for Management. He is the closest to the action and makes the initial investigation of the facts. It becomes essential, then, if the case is not settled at his level, to pass along every bit of pertinent information necessary for further discussion of the case at higher levels. He cannot wash his hands of the whole affair and consider it to be somebody else's problem. A Foreman's responsibility for a grievance does not end until it is satisfactorily settled -- either by him or by the Umpire -- and, in any event, he supplies the basic ammunition, the facts.

By way of summary, let me review what we in General Motors believe are our responsibilities in the handling of grievances, and the guides we should follow in carrying out these responsibilities.

General Responsibilities

1. Handle employee complaints promptly and fairly according to the Agreement and within the specified Grievance Procedure.

2. Settle employee grievances on a sound basis at the earliest possible level, or, if settlement by the Foreman is not possible, provide concerned parties with all of the facts of the case.

General Guides

1. Take every employee complaint seriously.

2. Try to resolve complaints on a sound basis before they develop into serious issues.

3. Call the Committeeman promptly when properly requested.

4. If a grievance is written, make certain that the grievance form is completely filled out.

5. Deal honestly, calmly, and impersonally with the Committeeman.

6. Insist upon observance of established procedures for handling grievances.

7. While handling a grievance with a Committeeman, stick to the issues of the grievance.

8. Base decisions on facts.

9. Phrase grievance answers carefully.

10. Record all of the facts if the grievance goes beyond your level in the procedure.

We all know that our supervisors are busy, and finding time to handle employee grievances is oftentimes a hard thing for them to do. However, the principles I have outlined have been formulated out of many years of experience in handling grievances in our organization. We find that when a supervisor learns to follow the correct procedures, he gains the confidence which permits him to handle situations arising under the Grievance Procedure as easily as he might handle a routine production problem.

In closing, I would like to read to you the Introduction to the National Agreement between General Motors Corporation and the United Automobile Workers. While it is not negotiated, it has appeared in every Agreement since 1940. To some, I suppose it may sound trite. In my humble opinion it is neither trite nor to be taken lightly.

"The management of General Motors recognizes that it cannot get along without labor any more than labor can get along without the management. Both are in the same business and the success of that business is vital to all concerned. This requires that both management and the employees work together to the end that the quality and cost of the product will prove increasingly satisfactory and attractive so that the business will be continuously successful.

"General Motors holds that the basic interests of employers and employees are the same. However, at times employees and the management have different ideas on various matters affecting their relationship. The management of General Motors is convinced that there is no reason why these differences cannot be peacefully and satisfactorily adjusted by sincere and patient effort on both sides."

This summary sheet has been included for your convenience.

MANAGEMENT'S RESPONSIBILITIES IN THE HANDLING OF GRIEVANCE PROCEDURE PROBLEMS

1. Handle employee complaints promptly and fairly according to the agreement and within the specified grievance procedure.

2. Settle employee grievances on a sound basis at the earliest possible level, or, if settlement by the foreman is not possible, provide concerned parties with all of the facts of the case.

GENERAL GUIDES FOR HANDLING GRIEVANCE PROCEDURE PROBLEMS

1. Take every employee complaint seriously.

2. Try to resolve complaints on a sound basis before they develop into serious issues.

3. Call the committeeman promptly when properly requested.

4. If a grievance is written, make certain that the grievance form is completely filled out.

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6. Insist upon observance of established procedures for handling grievances.

7. While handling a grievance wite a committeeman, stick to the issues of the grievance.

8. Base decisions on facts.

9. Phrase grievance answers carefully.

10. Record all of the facts if the grievance goes beyond your level in the procedure.

John F. Kitzke
Chief Negotiator
Milwaukee Board of Education

There are no experts in this field of employee relations. It is changing so fast that yesterday's expert could be out of touch today.

When considering the importance of the grievance procedure you should remember that the only alternative is a strike. A grievance procedure is better than a walkout.

In working with employee organizations and unions it is important to recognize that there is a difference between a sophisticated older union and a new one. The old ones are easier to deal with because they know what to expect and have trained people working for them. New unions have people (often not paid by the union) who want to make a name for themselves and work hard at making their union effective. After they become better established they develop patterns to accomplish the same things more smoothly.

If a grievance procedure is going to be successful, first line managers must be trained to think like managers and they must not be tyrants.

Unionization is here to stay and it will stay. Nevertheless, management must run the shop. Unions can talk about working conditions but management has the responsibility and need to remain the authority. Once you have accepted this philosophy you must follow it.

It is necessary to show a responsible attitude toward grievances. If you don't there will be changes that will lead to collective bargaining. If management representatives are wrong in their actions they must be overruled by higher management.

Work with the unions but always work toward something you can live with.

It is extremely important to be well prepared when handling grievance matters. Treat all grievances as if they would be going to an arbitrator or a court. If you do this your decisions will begin to follow a pattern similar to the pattern of decisions made by arbitrators.

To speed up grievance processing and get quicker actions we have established a complaint division that can handle grievances up to the second step. In this way many grievances are resolved without going the full grievance route.

Albert F. Schultz
Assistant Superintendent
Milwaukee Public Schools

There is a similarity between the civil service you have in Michigan and what Milwaukee had before union representation was possible.

It is very important to have an effective grievance process, to clarify management rights, and come to a workable understanding with the union so that you are not forced into a collective bargaining situation with the union.

There was a time when all civil services were looked on as supporing employees. Employee organizations accepted this.

If there isn't enough "looking down the road" to avoid letting your grievance procedure become a hodge podge of special instances it will become so weakened that it will lose its effectiveness and open the way for legislation you will not be prepared for.

Strengthen your grievance procedure, experiment with arbitration, and come to an agreement with the union before you are forced into a position of having to. If you lose control you cannot get it back.

Managers can be as effective or more effective than union people although union people will appear to believe otherwise.

Panel Discussion
John F. Powers, John F. Kitzke, and Albert F. Schultz

Question: When should a grievance first be put into writing?

Answer: If an employee has a grievance he may take it up with his supervisor. There is nothing to say he must. In some cases the supervisor is the employee's problem (in addition to being like a father, mother, sister, brother and everything else to him).

The discussion is verbal at this point. If no adjustment can be made the grievance should be put into writing.

Once written, most contracts require that the supervisor answer the grievance.

Question: Who puts the grievance into writing?

Answer: It doesn't matter who pens it but the employee must sign it. The employee organization representative is the employee's agent and may be asked by the employee to write the grievance.

Question: Why are grievances directed at a single supervisor rather than more than one supervisor?

Answer: The grievance procedure says that handling employee complaints is one of the functions of the employee's immediate supervisor. Therefore, the grievance should go directly to the immediate supervisor.

Question: How can we get uniformity in our employee relations at the supervisory level?

Answer: Conduct training programs that cover all phases of management. Give them the basics and a good foundation in employee relations. Teach your supervisors to settle problems, not just grievances.

From the employee's standpoint, a supervisor is a manager in every respect so they should be taught to act like managers.

Question: What grievances are the most frequently heard?

Answer: The largest single class of grievances are those that protest discipline. Past experience has done much to solve the other kinds of problems.

The second largest class of grievance is concerned with the sharing of overtime. These grievances tend to be, "he worked and I should have" rather than, "I worked and he should have". This would lead one to observe that although overtime is considered an evil it doesn't seem to be reflected in the kinds of grievances we get.

Grievances are settled on the merits of the case. If you are dealing with a real problem the grievance procedure can solve it. If the problem is not a real one you have a situation that cannot be solved by the grievance procedure.

One difficult area of grievance handling comes about as the direct result of first line supervisors who make up their mind about something and won't change. As a result some cases are put into writing and go to the next step rather than being cleared up on the spot.

Industry has had many years of experience with unions and with grievances. This information is available and should be used as guidelines for helping others quickly and smoothly solve their problems in these areas.

When supervisors take a strong anti-union stand and act as if unions will go away, they cause problems. For example, some supervisors use an employee's union activities against him. Management has to work to correct this kind of supervisory attitude.

An injunction will not settle a strike so it is a bad plan to build confidence in injunctions. Some organizations think an occasional strike is good because it clears the air and shows employees they cannot live without a paycheck.

* * *

Milwaukee public schools have a rules provision that lets professional employees take their grievances through an established grievance process. A good grievance procedure is important in government because these are career employees and need protection.

If your system does not have an appropriate grievance procedure for managers you will find them organizing because they are career employees and also need protection.

A supervisor is a manager of his work unit. He is a manager in his actions, words, and deeds. He is a manager to his employees as well. He is a supervisor if he assigns work, spends more time supervising than working, has the power to hire or fire.

Question: What can we do if a supervisor continually violates the established principles of grievance handling?

Answer: This is an internal management problem rather than a labor relations problem. This could be a matter to be handled by the supervisor's boss.

Question: What can be done if an employee organization representative insists on taking cases through all steps of the grievance procedure when it isn't necessary?

Answer: The employee organization man also has a boss who can squelch this if necessary. This is an internal problem for them and they can handle it in an organizational way.

Some supervisors also want to go the full route on a grievance when it is unnecessary. These kinds of problems can and must be solved in order to have a smooth working, reasonable grievance procedure.

PART 5

MAINTAINING EFFECTIVE DISCIPLINE o

QUESTIONS AND ANSWERS o

Employee Relations Panel

John F. Powers
John F. Kitzke
Albert F. Schultz

John F. Powers
Coordinator of Labor Relations
Oldsmobile Division, General Motors Corporation

Before getting into our discussion on Maintaining Effective Discipline, let me again mention a point which was made several times in our discussions this morning; and that is, if we are serving any purpose at all here today, it is simply to share our experience and acquaint each other with some of the things we have learned as they relate to our common problems. We at General Motors, and specifically at Oldsmobile, are quick to say that we recognize that no one has all the answers. It is only in this light that we are attempting to share with you some of the things we have learned -- that is, some of the things that have been helpful to us over the years -- in our endeavors in the field of employer-employee relations.

Discipline in the broad sense means orderliness -- the opposite of confusion. It is a fundamental requirement for the people working in a plant just as it is for other segments of society. Unless there is discipline, the enterprise cannot be carried on efficiently. Unfortunately, the word "discipline" often has a harsh connotation which is not justified by actual application to shop situations. Shop discipline, as we use the term, does not mean strict and technical observance of rigid rules and regulations. It simply means working, cooperating, and behaving in a normal and orderly way, as any reasonable person would expect an employee to do.

The maintenance of order in a plant should not be viewed as a matter of Management's inalienable right or prerogative. On the contrary, it is a management responsibility -- a primary part of the job of managing the business. A manager who shirks or avoids this responsibility is failing in his duty to manage. The supervisor who is a manager of part of the plant operations, has a primary responsibility to maintain order among the people under his supervision. As a member of the Management team, he must help other supervisors to maintain discipline throughout the plant.

Management must accept its full responsibility to maintain discipline and assess any disciplinary measures as may be necessary. Should it share or surrender that responsibility, it abdicates its job of managing. On the other hand, Management should be willing to have its disciplinary actions reviewed, after the fact, by an impartial person, to determine in an impartial way whether the action was for cause and whether it was fair in the light of all the facts.

The Union, too, cannot properly represent the employee and protect his interests if it assumes any part of Management's function of setting disciplinary penalties. If the Union agrees with Management as to what a proper penalty should be in a case, it foregoes its rights to protest the penalty. Union representatives should be in a position to protest

any disciplinary action taken by Management against an employee, if they feel that the discipline is unfair, unjust, discriminatory, lacks cause or is too severe. Any procedure which forecloses the right of the employee to have his case aired in the grievance procedure is basically unsound.

Most people prefer an orderly and efficient atmosphere in which to work. They will readily conform to rules of conduct and obey reasonable orders as long as they clearly understand what is expected of them. It has been said that over 95% of employees conduct themselves in a normal and reasonable manner. The disciplinary problem, then, reduces itself primarily to dealing promptly and firmly with the few who will not comply -- those who resent authority, who have little or no respect for the rights of others, and who ignore or defy the usual rules of conduct.

Curiously enough, if Management does not deal effectively with those who violate rules, the disrespect for order will spread to the employees who would otherwise prefer to comply. For example, if Management permits a few employees to run to the clock at quitting time, soon the entire work force will be running. If all are permitted to run for awhile, they will soon feel they have acquired a right and will resist efforts to enforce the rule which prohibits this practice. Of course, there are those who are generally well meaning, but who have occasional lapses in conduct. These people may require correction, but they do not constitute a chronic problem. If any event, a supervisor has to take action to counteract misconduct so that the offender either comes to realize and accept the standard of conduct necessary for his continued employment, or demonstrates that he will not do so, and, therefore, must be discharged.

Since I will devote my remarks primarily to the handling of problems involving people who do not comply with the rules, I want to make it clear now that we do not spend all of our time issuing penalties to employees. However, because of our size, we do have a substantial problem which has to be handled. But, again let me emphasize that most of our people are good, industrious citizens, who obey the rules, do a good day's work, and cause no trouble. The problem, then, is dealing with the exceptions.

Let's begin with the proposition that employees are entitled to know what the rules are. In General Motors, the rules of conduct are called Shop Rules. They have been established and promulgated by Management. They are posted conspicuously throughout our plants, and they are also given to employees in booklet form.

A good disciplinary policy involves two major factors: first, sound principles; second, effective administrative techniques. The administrative techniques are more difficult, because they involve the training of large numbers of supervisors to handle a wide variety of situations.

The general responsibility of a supervisor concerning discipline is to maintain orderly conduct among employees, and to apply disciplinary measures which will eliminate conditions interfering with efficiency, ensure cooperation, and protect the rights of all. He should have three main objectives:

1. To foster a feeling of mutual respect between himself and his people.

2. To keep his employees satisfied while at the same time getting them to conduct themselves in accordance with the established rules of conduct.

3. To train people to perform their duties efficiently, and to be sure that his instructions are clear and understandable.

This morning, when we were discussing the handling of grievance problems, we reviewed ten general principles to which we expect our supervisors to operate when handling such problems. We also subscribe to a number of general principles which we believe will enable our supervisors to attain their objectives in the area of maintaining effective employee discipline. I would like to discuss them briefly.

1. Make Instructions Simple and Understandable

   Any order or instruction given should be clear and understandable. We cannot expect a person to follow instructions if he does not understand them. The simplest language to express a thought is the best. If there is any question as to whether the employee understands, the supervisor should clear it up by asking him if he understands or if he has any questions. The manner in which orders or instructions are given, frequently has an effect on the employee's attitude toward obedience. The average employee desires to get along with his supervisor and will readily follow reasonable orders, but even the average person resents an overbearing superior. An order which is given harshly, discourteously, or without adequate explanation in an unusual situation, invites disobedience. Furthermore, it is common sense that an employee will obey an order more readily if he understands the reason for it. The worker's familiarity with routine, run-of-the-mill orders, makes repeated explanations unnecessary, but an order which is out of the ordinary, ought to be accompanied by a few words of explanation. If the situation doesn't permit an immediate explanation, then a few words to that effect, with a statement that it will be explained later, will be more likely to invite obedience than will the bare order itself.

2. Know the Rules

   A supervisor cannot begin to maintain discipline unless he himself knows what conduct is proper and improper.

3. Move in Promptly on Violations

When an apparent Shop Rule violation is known, the supervisor must not overlook it -- he should do something about it. This does not mean that a formal reprimand or a disciplinary layoff must be assessed every time a Shop Rule violation occurs. It does mean that the supervisor is faced with the responsibility of investigating the facts and doing something about the violation. The supervisor's action will depend upon the nature and circumstances of the offense, and upon the individual's conduct record. The infraction may call for merely cautioning the employee about not repeating his action, or it may call for a verbal warning without putting anything on his record. Then too, it may call for a formal reprimand with a notation on his record, or a disciplinary layoff, or even discharge. The thing that should not be done is to overlook misconduct and say nothing about it. Inaction is equivalent to condoning the violation, and over a period of time could result in making the particular Shop Rule or regulation a "dead letter" and unenforceable, unless employees are notified that the rule is being revived.

4. Get All the Facts

Most of the disputes in disciplinary cases arise over the facts of the case. The real problem is to reconstruct the incident and to establiish exactly what happened, insofar as this is possible. Once the facts of a case are clearly established, the decision as to the proper discipline, if any, is usually not difficult.

A supervisor should take disciplinary action only where cause exists, if good employee relations are to be achieved and maintained. Moreover, in any case where disciplinary action is challenged, the burden is upon Management to show cause for the action taken. A supervisor, therefore, has the responsibility to make an early and thorough investigation of the facts in a disciplinary situation for two important reasons. First, it is the fair thing to do; second, Management may have to prove the employee's guilt. Suspicion alone will not support disciplinary action.

5. Permit the Employee an Opportunity to Explain

As a general rule, disciplinary action should not be taken without giving the employee an opportunity to explain his actions. This is an important part of the supervisor's investigation. If the employee has no explantion or offers none, this fact is important, particularly if some kind of an explanation is later offered by the Union in processing the case. A belated statement of defense naturally does not seem as genuine as a prompt explanation by the employee at the time of the incident. If he gives an explanation, it should be investigated. Find out, insofar as possible, if what he says is true. Even

if the explanation given strikes the supervisor as being an unsatisfactory reason for the employee's conduct, or as being silly, it is a mistake not to investigate it.

The supervisor should take the initiative. He should ask the employee point blank if he has any explanation for what he did and if so, what it is. The employee, if later asked why he didn't explain his actions to his Foreman, can simply say, "He didn't ask me." This can, of course, leave the Foreman in an embarrassing and tenuous position.

6. Decide What Action to Take

In deciding what action to take, there are a number of things to be considered by the Foreman.

Down through the years, we have adhered to a philosophy called "corrective discipline". This philosophy is based on the following concepts. First, the purpose of discipline should be to obtain compliance with the rules of conduct -- that is, to correct improper conduct. It should not be punitive in nature. Second, discharge is an action not corrective in nature. Therefore, discharge should be used only where reasonable efforts to correct have failed.

It is important to understand, however, that the philosophy of corrective discipline does not apply at all to so-called "major" offenses. It applies only to "non-major" offenses.

The "major" offenses are those so serious in nature that discharge is appropriate without regard to the employee's length of service or prior conduct record. There is no all-inclusive definition of the major offenses, but the following are examples which have been considered to be major: assault on a member of supervision; assault with a weapon on any employee (weapon is used here in the broad sense such as a tool, piece of stock, chair, or any other instrument which could be lethal); leadership of a wildcat strike; theft; and sabotage.

There have been other offenses also where discharge was upheld for the first offense because of aggravating circumstances, such as extremely abusive language to supervision and drinking on the premises.

The non-major offenses are all those not qualifying as major offenses. This, of course, covers the vast majority of cases. Whenever the misconduct, standing by itself, will not justify discharge, then we are concerned with this philosophy of corrective discipline in deciding what action to take. Let me illustrate the application of corrective discipline. For the first instance of misconduct, a reprimand or

short layoff, depending on the nature of the offense, would be given, to impress the employee with the importance and necessity of obeying the rules. If the employee again engages in misconduct, a longer layoff should be given. The next instance of misconduct should result in a still more severe layoff, and so on, until a long layoff -- say, four to six weeks -- is given as a final warning. If the employee still engages in misconduct, then discharge is appropriate.

There is no precise formula representing proper application of corrective discipline for all situations. Each case must be viewed and judged individually bearing in mind the fundamental concept that the penalty should be such as is reasonably calculated to bring about correction.

This is a matter of judgment, but in making the judgment, there are four principal factors which should be taken into consideration in every case: first, the seriousness and circumstances of the particular offense; second, the past conduct record of the employee and his length of service; third, the lapse of time since his last discipline; and fourth, the plant practice in similar cases.

There are two sides to the corrective discipline coin. The philosophy not only requires that the penalty not be <u>too severe</u>, but also that it be <u>severe enough</u> to constitute a reasonable attempt to bring about correction. Management should not overlook violations until they pile up, or mete out mere "slaps on the wrist", and then abruptly lower the boom with a long-term layoff or discharge.

In deciding what action to take, the supervisor should avoid rushing into a decision. Whatever action is taken represents the action of Management and should be based on the best judgment, after considering all the factors in the situation and getting whatever advice the supervisor thinks necessary. Care must be exercised in selecting the proper shop rule or rules to be charged. A defect in the charge provides a technical defense and sometimes will cause a modification or rescission of the penalty by an arbitrator. Some people have the notion that if you load up the charge by including all the shop rules that might be applicable, the case against the employee is stronger. Actually, this is a disadvantage in most cases. Where an employee is guilty of a single act of misconduct which is in violation of two or more rules, he has still committed only one act of misconduct. Here, it is better to select the one shop rule which is more appropriate for the offense and easier to prove, and charge that rule. If you "throw the book" at the employee by charging him with several rules, technically you must shoulder the burden of proving every rule violation charged. If you fail to prove some of them, many arbitrators will modify the penalty on the theory that you proved less than you charged, so the penalty should be less than originally assessed.

On the other hand, there are situations where an employee's actions may constitute several separate and distinct items of misconduct in violation of the rules, although they may occur at substantially the same time and as part of a single incident. Here you are dealing with multiple acts of misconduct -- not just one. For each act of misconduct, the proper shop rule should be charged and the total penalty set accordingly.

I have emphasized the importance of a thorough investigation and complete appraisal before the final disciplinary decision is made. It should be understood that this applies primarily to the final decision. There are many times, however, when it is apparent that the employee has been guilty of some misconduct although the full circumstances are not yet known. There are other cases where the nature of an incident makes it important to get the offender off the shop floor quickly. Moreover, it is unwise to delay disciplinary action any longer than absolutely necessary.

Accordingly, a very common and proper method of initiating disciplinary action is to "suspend" the employee, pending an ultimate final decision. This involves telling him that he is suspended, stopping his time, and sending him home with a brief written statement of the reason for his being sent home. The employee is also told that he will be advised later as to the nature and extent of the disciplinary action in his case.

The suspension method obviously has advantages. It enables the supervisor to step into the situation and get the offending employee off the job quickly. It also affords time in which to investigate, appraise, seek advice if necessary, and make the final decision.

The suspension technique also has disadvantages. It immediately commits Management to a time-off penalty. If the investigation shows that the employee was innocent, or that only a reprimand is in order, he is already entitled to some back pay. Moreover, time lost while on suspension must be included as part of the specific penalty finally decided upon. Accordingly, the Foreman must get his investigation completed and his mind made up and get word to the employee to return to work, in time to limit the total time lost to no more than the final decision as to the penalty.

In other words, suspending an employee, while an impressive and convenient method of handling situations quickly, should not be used indiscriminately. It should not be used, as a general rule, unless the penalty probably will be layoff for at least balance of shift and one additional day.

Even with suspensions, the supervisor should make it a practice to hear what the employee has to say, either on the floor at the time of the incident or in an interview off the job before he leaves the premises.

7. Take Disciplinary Action

The matter of actually informing an employee of the disciplinary action which a supervisor is taking against him is not a pleasant one, either for the supervisor or for the subordinate. Furthermore, it is a type of situation in which the supervisor should keep very close control of his emotions. He should avoid sarcasm, idle threats nagging, getting into an argument and losing his temper. The supervisor should be fair but firm, retaining complete control of the interview. He should avoid hard-boiled methods in talking to the employee. While the subordinate should leave the interview feeling that plant discipline is a serious matter and that better conduct will be expected of him in the future, the disciplinary interview itself should not be a heated "bawling out" session. The "bawling out", so to speak, is the time off the supervisor is assessing and it is this which the supervisor hopes will bring about correction. The purpose of the discussion should be to explain to the employee what he did wrong, what disciplinary measure is being taken, and what is expected of him in the future. Furthermore, the manner in which this interview is handled may have a great deal to do with the employee's reaction to it in terms of future conduct.

8. Maintain the "Hands-Off" Policy

A good general rule for a supervisor to follow in all contacts with employees, and especially in disciplinary situations where feelings may run high, is never to lay a hand on an employee's person in any way. There are exceptions, of course, such as giving physical assistance to a worker who has been injured or becomes ill, or where the supervisor might find it necessary to separate fighting employees, but such situations should be the rare exception to the general rule. If a supervisor touches a subordinate with his hand, the gesture can easily be misunderstood. Even if not actually misunderstood, it provides too easy an excuse for the employee to claim that he misunderstood it.

For example, the supervisor should not take a subordinate by the arm while walking with him or while leading him to another job assignment. He should not slap an employee on the back or shoulder, even in a friendly gesture of encouragement. He should make it a general rule in all his dealings with employees to avoid any physical contact which could possibly be misconstrued either by the person involved or by a bystander, except in those rare instances where the supervisor finds physical contact absolutely necessary.

9. Observe Contractual Procedures in Disciplinary Situations

It should go without saying that the contract provisions, if any, governing disciplinary procedures should be carefully followed. Experience has shown that whenever you fail to accord an employee any technical procedural right to which he is entitled, the

disciplinary action which might otherwise be entirely proper is quite likely to be modified or rescinded by an arbitrator.

10. Make Records

The most important single consideration in handling disciplinary situations is getting all the facts. The next most important thing is making a record of them.

A memorandum is especially valuable for two reasons -- first, it is a timely, on-the-spot record of the incident. The presumption is that the supervisor would not have written down something unless it actually happened. The memorandum, therefore, constitutes some evidence of what actually did happen. Second, a memorandum refreshes the memory and enables the writer to recall details which he might otherwise have great difficulty remembering.

The thing to concentrate on is the facts. Who was involved? What took place? When did it happen? Where did it happen? Who else was there? What did the employee say? What did the supervisor say? The idea is to give as complete a word-picture as possible of all important facts so that anyone reading the memorandum can get a pretty good idea of just what took place.

Every now and then an accountant, who is working with a maze of figures, finds it very helpful to take a sub-total reading of his work. Perhaps, at this point it's in order for us to "sub-total" the things we've been discussing. We've pointed out that in our organization we charge our supervision with certain responsibilities in the area of maintaining effective employee discipline. They are:

> Maintain orderly conduct among employees and apply disciplinary measures when it becomes necessary in order to eliminate conditions interfering with efficiency, ensure cooperation, and protect the rights of all.
>
> 1. Foster a feeling of mutual respect between you and your people.
>
> 2. Keep employees satisfied, while at the same time getting them to conduct themselves in accordance with the rules of conduct and established policies and procedures.

We also subscribe to a number of general principles to which we expect our supervision to operate in carrying out their responsibilities in this area. Again they are:

1. Make instructions simple and understandable.

2. Know the rules.

3. Move in promptly on violations.

4. Get all the facts.

5. Permit the employee an opportunity to explain.

6. Decide what action to take.

7. Take disciplinary action in a fair, firm, and reasonable manner.

8. Maintain the "Hands-Off policy.

9. Observe contractual procedures.

10. Make records.

These principles have been distilled from many years of experience in our organization. We ask our supervisors to bear them in mind in handling disciplinary situations, because we think that the supervisor who does, will, in the long run, find a difficult phase of his job made easier.

In closing, let me point out that the maintenance of good employee behavior can and should be considered in terms of two areas:

1. Informal Action -- that is, instructing, motivating, and talking to employees about behavior problems.

2. Formai Action -- that is, taking formal corrective disciplinary action to correct misconduct.

It is very easy to neglect informal action and rely too heavily on formal action. The effective supervisor -- who is willing to do something about employee misconduct -- should be able to get the majority of his employees to respond without the necessity of formal disciplinary action.

This summary sheet has been included for your convenience.

MANAGEMENT'S RESPONSIBILITIES IN MAINTAINING EFFECTIVE DISCIPLINE

Maintain orderly conduct among employees and apply disciplinary measures when it becomes necessary in order to eliminate conditions interfering with efficiency, ensure cooperation, and protect the rights of all.

1. Foster a feeling of mutual respect between you and your people.

2. Keep employees satisfied, while at the same time getting them to conduct themselves in accordance with the rules of conduct and established policies and procedures.

GENERAL GUIDES FOR HANDLING DISCIPLINARY SITUATIONS

1. Make instructions simple and understandable.

2. Know the rules.

3. Move in promptly on violations.

4. Get all the facts.

5. Permit the employee an opportunity to explain.

6. Decide what action to take.

    A. Talking to employee.
    B. Know the principles of "corrective discipline"
    C. Determine rule or rules violated.
    D. Consider basic factors.

        (1) Guilt
        (2) Prior conduct record
        (3) Length of service
        (4) Period of time since last penalty
        (5) Local practice or policy
        (6) Mitigating or aggravating circumstances
        (7) Decide -- suspension or immediate assessment of penalty

7. Take disciplinary action.

    A. Control emotions.
    B. Be fair, but firm.
    C. Explain "what" and "why".

8. Maintain the "hands-off" policy.

9. Observe contractual procedures.

10. Make records.

John F. Kitzke
Chief Negotiator
Milwaukee Board of Education

The disciplinary and grievance procedure in government is somewhat different than industry because of the courts. The courts have more and more influence in helping government employees remain government employees by stressing due process.

This influence tends to enforce the following principles in the disciplinary process:

1. Rules must be reasonable in terms of the job the employee performs.

2. The employee must know the existence of the rule.

3. There must be specific charges against the employee that state what he did wrong.

4. There must be a hearing at which the employee can face his accuser, answer the charges, etc.

5. The penalty must be commensurate with the offense.

6. The penalty must be equally applied.

7. There need to be progressive penalties.

Rules of discipline in government are more difficult than those in industry. For example, in government, you cannot suspend an employee indefinitely. In Wisconsin a suspended employee is put off the job with pay.

It is important to make rules before a situation becomes a problem. Be careful not to attempt to enforce a rule before it is written. If you hire a person who is dressed or groomed in a particular way he can assume that his appearance is acceptable and it will be difficult for you to get him to change. If you wish to hire someone whose appearance is not compatible with the job, tell him the changes you will require before you hire him. Be sure to make your requirements reasonable.

Employees have a right to belong to a union and to take part in union activities. Therefore, it is bad policy to take action against an employee for union activity.

Although the National Labor Relations Board rulings do not apply to state jurisdictions, these cases do set a precedent which will be referred to in deciding state cases. This does constitute a very positive indirect influence.

Should supervisors belong to unions?

No, they should not. It is possible for a supervisor to find himself in an impossible position with his management responsibility on one side and his union membership on the other.

I would suggest that we in government may be doing ourselves and our employees a disfavor by not using the probationary period effectively to get rid of employees who very obviously are unable to perform effectively.

Albert F. Schultz
Assistant Superintendent
Milwaukee Public Schools

Documentation is an extremely effective tool for the personnel officer. You can administer any discipline that should be administered if you document the situation properly.

If an employee is not shaping up then take the necessary action to record this fact. Some supervisors do not know how to document properly. Others just can't do it.

Don't take a serious disciplinary action unless you are ready to go to arbitration or the courts.

Often a new supervisor will inherit an employee problem that has gone on for a long time. If he fails to act then he must share responsibility for the problem.

Hearsay about what an employee has done is not a matter of record and cannot be accepted as documentation.

To document an employee's actions retroactively a supervisor should list everything that applies to the situation for the complete period that is covered. Have him sign it. If he doesn't complain then it will stand.

If new situations occur document them at the time. In this way you will build toward the kind of action that you must take.

In some cases we encourage the union to look at our files on a discharge to see that a case has been built. If they do, the case had better be well documented. We want supervisors to stand up and be counted on things they say. The employee should also be able to see his file. There should be nothing in a file that the employees cannot see.

Even though an employee is not likely to appeal a case you should nevertheless treat it as if he would. Even in the case of a probationary employee you should document as if he could appeal or take it to court. Situations do change and you could find appropriate records to be very important.

An arbitrator needs to know certain things about a case. For example, he would want to know:

1. Did the employee know about the rule, regulation, or requirement?
2. Did the employee know that he or she was getting into trouble?
3. Did the employee have a chance to reform?
4. Was an appropriate discipline used?

How to Discipline

1. Discipline should be directed at correcting a situation. When the employee shapes up the case is over.

2. Don't try to rush your discipline but do something in every instance.

3. Keep a record of your discipline.

4. The steps in discipline should be:

   - Verbal discussion (make notes)
   - Verbal warning (make notes)
   - Written warning

The record should show the progressive routine of the discipline.

Panel Discussion
John F. Powers, John F. Kitzke, and Albert F. Schultz

Question: There is an area of difference between public and private employees in their conduct off the job. If a public employee's off-the-job bad conduct appears in the newspaper it reflects badly on his department because the man tends to be identified with his job. This is seldom true of business and industrial employees.

Answer: There is a trend toward looking at a person's private conduct separately from the job unless it influences the way he can do the job. Publicity alone is not the measure.

This way of viewing public employees began back during the depression when public employees were not laid off and a double standard got started. This is beginning to go now as can be seen by the unionization of public employees.

A department should not bring disciplinary action against an employee for his private activity unless it is seriously related to his job.

Of course, the higher a person's position is in an organization, the more delegated responsibility there is and the more his actions reflect on his job.

This kind of problem has a more direct bearing on people working for the Corrections Department or the State Police because of the serious impact a criminal record could have on proper conduct of their duties.

Criminal records no longer prevent people from getting state jobs as much as they used to.

Question: Should an employee be entitled to representation at the disciplinary interview stage of an action?

Answer: Yes, but the interview remains between the employee and the supervisor. The employee should respond but he should be permitted to consult with his representative.

Rememeber, the employee is not always wrong and management always right, nor is management always wrong and the employee always right.

Every discussion can reduce itself to a credibility case where each party insists he is right,("This is the way it is" vs. "Oh, no it isn't").

Question: Should employees be used as witnesses against other employees?

Answer: If you use employees as witnesses you get into a situation of putting employees against employees and this can lead to repercussions on the job. This is especially true if the employee is returned to the job. It is much better to use management representatives if at all possible.

If you are going to make a charge make sure that you will be able to support it. Never attempt to make a case unless you are sure the situation exists.

Question: Often an employee will resign rather than face a disciplinary action. In what kind of cases should resignations in place of discharge be permitted?

Answer: It would be better to have a resignation rather than a discharge if the publicity would be bad.

When making this kind of choice remember that the reinstatement rule can make these people eligible for reemployment. If you want to let them resign have them sign a statement that they will not be eligible for reinstatement.

Question: How should employees be informed of rules that can lead to discipline?

Answer: These should be covered during the employee's orientation; signs should be posted; and supervisors should remind employees if it becomes necessary. If the rules provide for an automatic dismissal for violation you must publish this fact and make it very clear.

PART 6

SPECIAL REPORTS o

New Careers
Safety Programs
Upper Peninsula Communication Meeting
Multiphasic Health Screening Program

New Careers

Richard I. Bowles
Training Officer
Michigan Department of Civil Service

December 27, 1968 Governor Romney, and then Lt. Governor Milliken requested that the Civil Service Commission sponsor a state-wide New Careers Program as a means of increasing employment opportunities for disadvantaged persons.

On February 20, 1969 the Commission instructed Civil Service staff to investigate the availability of Federal funds for such a program.

The subsequent investigation revealed that a grant could be obtained from the Office of Manpower Administration, U. S. Department of Labor. It originally appeared that there would be a grant of $500,000 for the training of 100 trainees in Lansing and Detroit.

Since that time the available grant has been reduced to $278,000, the number of trainees was reduced to a minimum of 50 to 59, and the state-wide aspect of the program has been limited to Wayne County. This reduced program will be a pilot demonstration project that we hope will be expanded back to a state-wide program encompassing most or all of the state departments.

We are, at the present time, in the planning phase.

The $278,000 has been obligated for a New Careers Program designed to train hard-core unemployed and underemployed in high quality para-professional positions. These will not be labor or clerical positions but instead will be specially created positions that involve human services of a para-professional nature.

Para-professional positions are structured by redefining job specifications for certain professional positions in order to identify certain duties that can be performed by New Careers employees who initially have no formal training. MESC has done this successfully in certain public contact areas.

It is anticipated that our enrollees will make certain kinds of house calls, talk with clients and make reports and do other kinds of work that is beyond the normal expectations for untrained employees.

This is a program of training to help underprivileged persons to become effective contributors to society rather than welfare recipients.

New Careers candidates will be underemployed and underprivileged people but they will be people who are capable of doing the job they are selected for.

To qualify for this program candidates will be at least 22 years of age and be unemployed or from a family with an income level below the poverty level. Candidates will be registered with and screened by MESC. Positions will be in the following departments:

Department of Civil Rights	-	2
Department of Labor (MESC)	-	20
Department of Social Services	-	25
Department of State	-	6
Department of State Highways	-	6

The following procedure will be used in the recruitment, selection, certification and appointment of candidates under this program:

Trainees will be appointed in a new entry class, Special Trainee 01, to be established by the Civil Service Commission and placed in a pay range 001. Trainees will be started at the 2-year step for the class, or $1.94 per hour, and carried on each participating department's regular payroll for classified state employees. Departments will be reimbursed quarterly from project funds by use of the inter-accounting method. Trainees will be covered by the state's fringe benefit package.

Persons eligible for appointment to the class Special Trainee 01 must be:

(1) At least 22 years of age.
(2) Unemployed or from a low income family with an annual income at or below the poverty line.
(3) Registered with and screened by MESC.

MESC will prepare a profile on all screened applicants relative to their background, qualifications and trainability and submit this along with a completed regular civil service application to the Department of Civil Service for processing and certification for appointment consideration. Upon request, copies of the profile will also be made available to hiring agencies as a part of the referral and certification process.

All applicants for the class Special Trainee 01 will receive a score of 70% if they meet the qualifications specified for the class, and those selected will therefore be appointed as classified state employees, with all the benefits and fringes accorded any other applicant so appointed.

Special Trainees 01 will be required to serve in the class for a minimum of 6 months. Upon completion of 6 months of satisfactory on-the-job and off-the-job training, a trainee's position may be reallocated with status to an appropriate aide class (Social Service, Employment Service, etc.) at the 02 level, depending on the job assignment.

Individuals aspiring to clerical careers will be required to take an appropriate written test on a promotional basis before they can progress above the 02 level.

It was previously indicated that trainees will be assigned to hiring agencies for 32 hours per week and will be given 8 hours per week of classroom instruction; this arrangement is being revised to allow trainees up to 20 hours per week of classroom instruction.

Tentative plans are for MESC to begin the screening of applicants immediately and for actual training to begin no later than October 6, 1969. Requisition for names may be made in accordance with existing procedures.

Mrs. Lillie Tabor of the Wayne County Department of Social Services has been appointed director for the project, effective September 15, 1969. Until she has been assigned office space, any questions regarding the processing and appointment of applicants may be directed to Mr. Ernest H. Wallick, Director of Special Employment Programs, by phoning 373-2610.

Mrs. Tabor's assistant will be Mr. Edward Donald - who has worked in a similar capacity under Title V Program - is currently working as an administrative assistant to Mr. Paul Conlan, Director of the Wayne County Department of Social Services.

There will be a number of sides to the training picture.

1. For supervisors, 2 to 3 days of orientation.
2. Orientation to the program for the trainees.
3. On-the-job orientation training.
4. Job training.
5. There will be remedial training to improve trainee reading, writing, and arithmetic skills.
6. Training to help them qualify for GED if they are not high school graduates.
7. There will be other programs of education that in some cases will include college courses.

This is a program for upgrading skills and making the most of potential in a group of people who, up to this time,have had more experience at failure than anything else.

We want the program to succeed and we'll be asking many of you for advice and help in the not too far future.

Safety Programs

Robert F. Schultz
Safety Training Coordinator
Michigan Department of Civil Service

The Michigan Department of Civil Service Training Division is currently engaged in two safety projects. One involves the Accident Frequency Chart. The other is the Adult Driver Education Practices and Techniques Program (ADEPT).

The Accident Frequency Chart was developed to help reduce accidents by creating and maintaining an awareness of accident frequency. This awareness coupled with vigorous agency safety programs should reduce accidents.

The chart uses the accident frequency rate which is the number of disabling injuries per million man hours of exposure on the job. The frequency rate is calculated from accident information that departments file to meet state and federal requirements and exposure hours that are evolved from payroll records.

If you have been filing the information with the Safety Training Coordinator, Department of Civil Service, Training Division, you have been receiving a monthly statement of your frequency. An information bulletin, March 26, 1969, outlined the suggested use of this information in accident prevention activities of your department.

ADEPT

The upsurge of traffic accidents by drivers of state cars has become a matter of increasing concern. On September 11, 1967, the Governor's office sent a memorandum to the principal departments in which he urged department heads to take the necessary steps to reduce this problem.

One of the results of this concern has been the ADEPT program which is designed to improve the performance of state employee drivers by teaching them proper driving techniques and attitudes. This program is specifically designed to complement the driver improvement programs that are conducted by the Michigan Department of State Police and the Michigan Department of State Highways.

The U. S. Department of Transportation has provided a federal grant to assist us in preparing, conducting, and evaluating this program.

In addition, a number of cooperating agencies have assisted the Training Division of the Department of Civil Service in developing the Adult Driver Education Practices and Techniques Program.

For our use in developing this program, we have specified that any state employee who drives a state-owned vehicle or his own vehicle on state business will be eligible for possible selection for this training.

Using these specifications we have identified 231 job classifications and 4,800 employees in these classifications who would be eligible for selection.

The actual selection will be made by Personnel Officers from two lists of drivers in their department. One list will be made of drivers who will not receive the training. These drivers will be the control group against which comparisons can be made to check the effectiveness of the program. The other list would be the "program" drivers. This will be the list from which the Personnel Officer will send employees assigned to the program as openings occurred.

We have yet to establish a criteria for the selection of candidates. This will involve geographic location, group size limits, driving history, availability, and driving assignments. When classes open, we will request a proportionate number of drivers from each department according to the pattern established in our selection criteria. A personnel officer can then designate any employee on the "program" list who can attend all the class sessions. We will provide you with class dates, times and the number of openings available to your department, along with appointment notices for the drivers you designate.

The course will consist of five meetings totaling 10 hours.

- The first session will be by individual appointment. At this time an evaluation drive, with a training officer, is taken and reviewed with the trainee at the conclusion of the session.

- The remaining four sessions are held on a regular-schedule basis, one day a week, for two hours each session.

The instructors will travel to locations where the students will be available when the course is held outside of the Lansing area.

Each of these meetings will employ a number of educational media and methods to obtain the course objective -- improved driver performance.

The program should result in more efficient departmental operations, fewer interruptions due to automobile crashes, reduced operating costs from sick leave usage, insurance rates, etc. This will be in addition to providing your adult drivers with current information on driving, vehicles, highway, and driving regulations.

Upper Peninsula Communication Meetings

Francis P. Kelly
Director, Agency Services Division
Michigan Department of Civil Service

Department of Civil Service staff members made two trips to the Upper Peninsula during the past summer to talk and listen to employees, representatives of employee organizations, and top management people.

The first meetings were held in Newberry and Escanaba. Although fewer than expected employees attended the public meetings, we were satisfied that we were able to explain civil service policies and in some cases to help individuals with their personal problems.

These meetings emphasized management communication and, therefore, had less appeal to employees. The same kind of questions were asked as are asked at personnel officer conferences. Employees are interested in rules, regulations, and procedures that affect their jobs, and ask questions about examination review, classification procedures, hearings, and leaves of absence.

The second meetings were with groups in Ironwood, Houghton and Marquette. The response by employees, organization representatives and departments was most satisfactory.

The evening session at Marquette was particularly productive. During the two and one-half hour free-wheeling, give and take discussion, 49 questions were raised.

Certain conclusions can be drawn from these meetings. It is apparent that communications within departments and with civil service need to be improved. Questions concerning civil service should be and usually are answered in the same way by department managers and supervisors as they are by civil service. There are no secrets in the civil service process, so department representatives should feel free to give direct answers.

There is always room for improved communication and it should go in four directions.

- Upward to one's supervisor.
- Downward to supervised employees.
- Sidewise with others at a similar level.
- Most important - communicate with ourselves.

No firm committments have yet been made but it is planned to hold communication meetings in other areas of the state. Alpena, Traverse City, Gaylord, St. Joseph, and Monroe are being considered.

MULTIPHASIC HEALTH SCREENING PROGRAM

Otis Hardy
Assistant to State Personnel Director
Michigan Department of Civil Service

A major development in the group insurance program during 1969 was a decision to add a unique multiphasic health screening program as an insurance benefit designed to provide early diagnosis and treatment of disease before symptoms appear. This is believed to be the first such program in the nation offered by a commercially underwritten insurance plan. The objective of the program is to improve the health of insured employees through diagnosis of disease in the presymptomatic stage and to eventually reduce the size and frequency of health claims.

This program is not a substitute for a regular physical examination by one's personal physician. Employees who regularly have such examinations should continue to do so, and in conjunction with the screening their physician will also have the added benefit of base line test results for future reference. Employees who have not had regular physical examinations, of course, will benefit by referral to a physician of their choice if results indicate possible abnormalities that need direct medical diagnosis.

Only active insured employees are eligible for the benefit during this first policy year, although the tests may be extended to dependents in future years. In cases where the dependent state employee is covered under the enrollment of another state employee, it will be possible for the dependent to receive the screening benefit through the state clinic or mobil unit.

Employees are notified by mail at least two weeks before appointment dates. They must return a self-addressed postcard to confirm the appointment. Because of the large number of employees involved, rescheduling to suit the employee's convenience is not possible. The tests are not mandatory and employees declining the tests are asked to return their card immediately, so indicating, so that others may be scheduled.

The Commission has authorized the use of sick leave for the purpose of keeping these appointments (under Rule 10.7) provided they have accumulated the necessary sick leave. In any event, advance approval of the department to keep the clinic appointment should be requested of the employee's supervisor. Ordinarily the appointment may be expected to coincide with the month of the employee's birthday.

Enrolled employees will receive an appointment for a one-hour visit at a special Health Screening Clinic. They will be screened as follows:

Medical History: This is a questionnaire that employees fill out.

Hearing Test: Hearing is checked at several levels of pitch and loudness.

Vision Test: Visual acuity is determined by use of special equipment.

Test for Glaucoma: Instrument check for increased pressure in the eye, a possible indication of glaucoma, the second leading cause of blindness.

Electrocardiogram: A visible tracing of the action of the heart is read by instrumentation and a cardiologist.

Blood Pressure Reading: A simple test for one of man's greatest problems. One of the ways to evaluate the condition of the heart and blood vessels.

Multi-testing of Blood: A small sample of blood will be taken and screened for sixteen different laboratory test results. Each in itself, or dependent on each other, will give valuable clues to diseases of the heart, kidney, liver, pancreas, thyroid, and most other internal organs of the body.

Chest X-ray: This is a valuable tool in determination of diseases of the chest. It gives an indicator of lung and heart diseases including cancer, tuberculosis, and chronic respiratory disease.

Urinalysis: Test for kidney and urinary tract infection and disease.

Uterine Cervical "Pap" Test for Women: This test is of great value in the early detection of cervical cancer, a curable form of cancer in its early stages. Instruction will be given in self-examination for a breast tumor.

All results, both normal and abnormal, are sent to the employee's personal physician. These tests DO NOT prove the presence or absence of disease, but they do screen out those who may have undetected signs of illness.

Only the employee's physician will receive a report of the results of these tests. The tests are designed to assist the employee's private physician in keeping him healthy. Employees will not receive a report of findings. The records are kept confidential between the employee, his physician, and the medical staff.

All on-site technicians and nurses have been specially trained in the specifics of the testing procedures. All are under the medical direction of a physician. All laboratory tests are interpreted by physician with fields of specialties coinciding with the test.

Since adequate low cost providers of the testing were not available, the plan called for the Department of Civil Service to open three

specialized clinics designed for high volume testing at permanent sites in Lansing, Detroit, Kalamazoo, and one mobile unit to serve about 10,000 state employees in northern lower and upper Michigan.

A $20 health benefit was added to the health schedule of benefits which, if assigned, will cover the full cost of screening at a Civil Service Clinic. The employee has the option of using private clinic facilities if he desires and applying the $20 benefit on the charges from the private provided. In order to qualify for the $20 benefit, the private provider must give the employee a minimum of 8 tests described in the Group Insurance Booklet Certificate.

PART 7

THE LONG AND SHORT OF HAIR AND SKIRTS o

A questionnaire and tabulation of answers indicating the current feelings of state personnel officers.

The tabulation represents the answers of 43 men and 8 women.

THE LONG AND SHORT OF HAIR AND SKIRTS

(This is a summary of the evaluations as given by 43 of the men and 8 women who attended the Annual Personnel Officers Conference, 1969. The tabulations and comments following the questions show the way the men and women in the group answered the questions.)

1. Do you believe that uniform standards should be established which all departments should adhere to in the hiring and supervision of classified employees, standards covering

   For male employees: Length of hair; wearing of beards, moustaches, sideburns; sandals vs. shoes; beads, chains, charms, medals and similar items; shirts, jackets, ties.

   For female employees: Hair styles; sheer garments, especially blouses; foundation garments; length of skirts; slacks; pants-skirts; shorts.

Yes	No
13 Male	29 Male
5 Female	3 Female

2. In your interviewing and hiring of employees, are you influenced in your decision by items of dress or personal appearance such as beards, length of hair, length (or shortness) of skirts, the wearing of chains, beads, etc.?

Yes	No
38 Male	5 Male
8 Female	0 Female

Comments

Depends on type of position. Influenced by neatness. Influenced by long hair and beards only.

3. If you were to choose between two apparently equally qualified applicants, would you base your decision on hair, beard, skirt, or similar personal appearance items? If so, which way would you decide?

For the mod look	3 Male	1 Female
Against the mod look	30 Male	5 Female
No answer	9 Male	2 Female

Comments

Against, usually, depends on type of position ... within certain limits neatness would prevail ... can be a contributing factor to establishing an attitude, philosophy and whether such fits the type of position to be filled ... against the hair and beard only ... for, with limited qualifications.

4. If there are to be some standards in this area by which we screen applicants, do you want them to be established by:

Civil Service	7 Male	3 Female
Your own department	23 Male	3 Female
Individual units, institutions, etc., within your department	13 Male	1 Female
Someone else	2 Male	0 Female
	Varying standards An employee committee	
No standards should be established	2 Male	0 Female
No answer	1 Male	1 Female

Comments

Civil Service, general; each department, less general; individual units, etc., specific policy.

5. What guidance, help, regulation, or rule, if any, do you look to Civil Service for in this area?

Comments

No additional rules necessary - Present one requires appropriate dress.

Question No. 5 (continued)

Comments

None, should be department policy.

Define general acceptable standards.

None. However, if this should be construed as a condition of employment, then Civil Service would have to approve of the standards.

Moral support and definite back-up action.

None - other than uniformity of decisions in appeals that may arise.

Guidelines only.

A general policy statement concerning neat, clean, appropriate dress, etc., as specified by the agency.

General statement in classification specifications.

Departments may restrict dress or attire on basis of particular needs.

None - delegate responsibility to the respective department.

6. If you do not want Civil Service to become involved in setting standards in this area, what do you expect of Civil Service?

Comments

To respect the standards established by departments.

If it came to a hearing board case - do not place a senile member on that board.

To state their position so that if a grievance is filed we would have some idea which way they would rule. Also if appearance cannot be controlled it should have no bearing on an oral examination.

None - or at least nothing more than general guidelines.

Accumulation and distribution of existing policies and rules in effect within the 19 principle departments. Followed by a tentative appearance and grooming policy statement.

Might publish some outstanding or unusual incidents and resulting resolutions occurring in this area within system for information purpose.

Question No. 6 (continued)

Comments

Always appreciate good help. A Civil Service general rule opens the door for agency to be specific if necessary.

7. Do you have any suggestions on how Civil Service and departments can work together in approaching this problem?

Comments

Leave to departments.

Personnel Officers Association and Civil Service joint meetings.

What is acceptable in all agencies now?

Accumulation and distribution of existing policies and rules in effect within the 19 principle departments. Followed by a tentative appearance and grooming policy statement.

All departments should have an opportunity to review the policy or standards with Civil Service before they are issued.

This is primarily a department problem.

Possibly a rule indicating department has the right to establish reasonable standards in this area.

Through personnel officer and employee organizations a committee to study the matter.

Civil Service should stay out of this entire area (except for its own staff).

Due to great differences in departments I suggest only that if the department determines to have a rule it be reviewed by the office of the state personnel director.

Civil Service may make suggestions. However, each department, as an appointing authority must determine what is appropriate and necessary to the successful completion to the mission for which it was created and exists.

It would appear that only time can assist us in determining policy because of the many test cases and reversals against management in this area.

Question No. 7 (continued)

Comments

I believe that Civil Service should be made aware of each department's regulation and possibly suggest amendments in light of present civil liberties policies.

8. How far can either Civil Service or your department go in regulating dress, hair styles, etc., without infringing on an employee's civil liberties, right to privacy, personal dignity, etc.?

Comments

Only to the extent of decency (present standards), safety, cleanliness and uniformed personnel.

All things being equal - when an applicant accepts the condition of an employment offer he is acting within his civil liberties.

I think rule should be general and interpretation by supervisor should be as liberal as condition or location of employment allows. If dress is generally acceptable in public it should be in our office.

Mini-skirts and long hair have probably run out the fad. Fashion experts are predicting the maxi-skirt and men's fashions also are expected to shift. The experts are supported by past history in this area. Personally, I think we should drop the problem and let it run its course unless there is a safety factor involved.

To any extent necessary to avoid the extreme and to establish the conventional.

Agency -- all the way.

As far as they want if they hire their employees under these conditions and the employee knows them when he is hired.

In the areas dealing with health and safety one can go the limit and be sustained. In other areas, one can only go to the point of challenge and a prospective reversal by a Civil Service hearing officer.

Can only generalize. The working conditions are too varied to set specific standards.

Set fair policies - Be sure employees are aware of them and know what is acceptable; standardize compliance. Take progressive corrective measures.

Question No. 8 (continued)

Comments

If Civil Service or department will purchase uniforms for all employees then Civil Service or department can dictate standards.

I personally feel there can and will be a meeting of the minds for the most part in these areas. There will always be the extremes.

What does infringing mean - is it too much to ask that an employee be neat, clean and well groomed as a representative of your agency?

9. What specific items do you disapprove of for classified employees?

	In all departments		In your department only	
Female Employees:	Men's Answer	Women's Answer	Men's Answer	Women's Answer
Miniskirts (More than 4" above knee)	9	3	8	2
Sheer blouses	17	2	8	1
Slacks	19	3	11	2
Shorts	24	3	10	2
Pant-dress	13	3	6	1
No Answer	7	3		
Male Employees:				
Mutton-chop sideburns	12	2	4	0
Beard	13	2	6	2
Moustache	2	0	2	0
Shoulder-length hair	25	3	7	2
Sandals without sox	25	3	8	1
Beads, chains, etc.	24	2	9	1
Denim shirts	12	0	8	0
Denim trousers (Levi's)	9	2	9	0
Nehru jacket	14	1	2	0
No Answer	5	3		

9A. If you disapprove of one of the above items and you suggest/ask/tell/order an employee to stop wearing it and he/she doesn't stop, what would you do next?

Question No. 9A (continued)

Comments

I would be very sure before I ordered anyone to stop wearing something that this was my privilege. What about more training in this area?

Nothing without Civil Service backing.

Reassign to another position if possible where dress was not an influence on effectiveness.

Advise the employee of the consequences of refusal to comply.

This is where we need guidance - can we tell the employee to desist? If we do and it's appealed what will Civil Service stand be?

Find out why - interpret what standard is and explain why it is necessary for this job. Reason and hope for mutual settlement.

Counsel - suspend - separate.

Depends on circumstances of individual situation.

Suspend providing the rule is clearly outlined in writing and that the employee is in need of such a rule.

Expect his peer group to modify the situation.

Assuming I have a pertinent policy, I would issue a verbal counseling.

Suspend from payroll, allow reasonable time, like 2-3 days, to comply and then dismiss if non-compliance.

Remind him that when hired, proper appearance for employment was discussed with him.

If unreasonable in dress or grooming I'd warn a second or third time then suspend. My personal taste should not enter into the matter.

Depends on circumstances of individual situation.

9B. If you discipline him/her and he/she grieves and the case eventually reaches a hearing officer or the Commission, what do you think will be your best arguments in support of your action?

Question 98 (continued)

Comments

For safety of self, co-workers and charges.

That reasonable attire is an essential part of orderliness. Without orderliness you have chaos.

You are what you wear - if you have no pride in your appearance you will probably have little in your work.

Tell it like it was.

If the guidelines are established - why should we have a problem? Certainly good taste must enter into it and offending the public must be considered. We are agencies serving the public and the public consists of all age groups therefore it would seem we should have a fairly conservative outlook.

Condition of employment - per agency handbook and orientation.

Depends on the circumstances.

Uniform application of established policy.

I would just like to say that it is my conviction that longer hair and other flambouyant affectations of appearance are nothing more than the male's emergence out of his drab camouflage into the gawdy plumage which is the birthright of his sex. There is a peculiar notion that elegant plumage and fine feathers are not proper for the male. When actually - that is the way things are, in most species.

Dress and appearance expectation discussed with him at the time interviewed for employment consideration. He then has been the violator.

Agency needs a specific policy brought to attention of all personnel at time of hire in. We have an agency policy on appearance and apparel, male and female, of long duration and have had incidents requiring enforcement, without grievance appeals.

Comparison to other employees. This would not apply to miniskirts because they are more widely accepted. However, beards, long hair, beads, etc., should not be a problem.

Would only take such action of apparel-appearance if it was subject of complaint by public, or was damaging to the physical, mental, or moral condition of fellow employees, patients, or the public.

PART 8

CONFERENCE PARTICIPANTS o

AWARDS o

GUESTS o

CONFERENCE PARTICIPANTS

Lloyd Adams	Mt. Pleasant State Home and Training School
Robert Britton	Michigan School for the Blind
Richard I. Bowles	Department of Civil Service
Gordon Chamberlain	Department of Civil Service
Milton Coe	Department of Civil Service
Joseph Coles	Department of Civil Service
Richard Crable	Department of Civil Service
Arthur Cronin	Department of Natural Resources
C. Joyce Curtis	Department of Treasury
Clifford S. Davis	Department of Corrections
Kenneth Dennings	Department of Civil Service
William Deschaine	House of Correction and Branch Prison
Franklin K. DeWald	Department of Civil Service
George Durak	Executive Office
Adolph M. Elliott	Department of Civil Service
Ivan E. Estes	Department of Mental Health
John Fitch	Department of Civil Service
Stephen Fortuna	Department of Commerce
G. E. Frost	Lapeer State Home and Training School
Margaret Gardiner	Department of Civil Service
James Gillard	Department of Natural Resources
Richard Glass	Kalamazoo State Hospital
Ronald Grimwood	Department of Administration
Robert Hamill	Department of State Highways
Otis Hardy	Department of Civil Service
Ivan Horner	Plymouth State Home and Training School
John Hueni	Department of State
Kenneth Ingersoll	Department of Treasury
Forrest Jacob	Department of State Police
Curtis Johns	School for the Deaf
Frances Jurgensen	Ypsilanti State Hospital
Jennie Katz	Department of Attorney General
Joseph Keating	Department of Commerce
Francis P. Kelly	Department of Civil Service
Robert Kilpatrick	Ionia State Hospital
Raymond Kraft	State Prison of Southern Michigan
Frank Krupiarz	Department of Public Health
Raymond Kuchuk	Northville State Hospital
Harold Lange	Gaylord State Home
Donald Lillrose	Department of Education
Arthur Long	Ionia State Hospital
Richard Luehmann	Pontiac State Hospital

Leo Mann	Michigan Reformatory
Lynn Mantikowski	Department of State
William Marshall	Department of Treasury
Louis Martin	Southwestern Michigan Tuberculosis Sanatorium
Wesley D. McMichael	Coldwater State Home and Training School
Jon McNeil	Department of Civil Service
Duane E. Miller	Department of Civil Service
Jack Morley	Department of Civil Service
John Mowat	Plymouth State Home and Training School
Forrest Murray	Newberry State Hospital
Gene Neibaur	Department of Natural Resources
Wanda Nickerson	Howell State Hospital
Ralph Nicol	Department of Natural Resources
John O'Connor	Department of Civil Service
Jack Patterson	Northville State Hospital
Charles S. Pearson	Department of Civil Service
Edwin A. Pierson	Caro State Home and Training School
John Pouch	Department of Mental Health
C. C. Riggs	Department of Civil Service
Richard Ross	Department of State Highways
James Rynbrandt	Department of Education
Esther Saunders	Department of Commerce
George Schaible	Department of Military Affairs
Robert Schultz	Department of Civil Service
James Shrier	Department of Civil Service
William O. Schwarz	Department of Natural Resources
John Smith	Department of Social Services
Norman R. Smith	Department of Civil Service
M. E. Southworth	Department of Natural Resources
Ted H. Stein	Pontiac State Hospital
Jerry Stone	Department of Civil Service
Donald A. Stoner	Lafayette Clinic
Marjorie Swick	Department of Licensing and Regulation
Charles Thelen	Department of Civil Service
Glen Townsend	Department of Social Services
Norval Trimpe	Department of Civil Service
John VanBuren	Fort Custer State Home
Stephen D. VanNote	Department of Administration - Employees' Retirement
John Walker	Department of Licensing and Regulation
Louise Walker	Department of Civil Service
William Ward	Department of Agriculture
James Wilkinson	Department of Natural Resources
Stanley Woods	Traverse City State Hospital
Arthur Zink	Department of Labor

Guests

John F. Kitzke	Milwaukee Board of Education
John F. Powers	Oldsmobile Division, General Motors Corporation
Mrs. Ruth Robertson	Department of Civil Service
Albert F. Schultz	Milwaukee Public Schools

o AWARDS FOR PERSONNEL OFFICER CONFERENCE ATTENDANCE

20-Year Certificate

Jack Patterson
Personnel Officer
Northville State Hospital

10-Year Certificate

Gordon Chamberlain
Chief of Classification
Department of Civil Service

ERIC Clearinghouse
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on Adult Education